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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
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	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

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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.)

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List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment shows that prior approval of the Commission for appointments to continuing part time or intermittent positions for which annual pay will aggregate no more than 40 percent of the annual salary for the first step of grade GS–3, in the metropolitan area of Washington, D.C. is no longer required, and clarified the meaning of the phrase "job employment."

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3102(g) is amended as set out below:

§ 213.3102 Entire Executive Civil Service.

* * * * *

(g) Any nontemporary position the duties of which are part time or intermittent in which the appointee will receive compensation during his/her service year that aggregates not more than 40 percent of the annual salary rate for the first step of Grade GS–3. This limitation on compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority may not be for temporary employment.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27356 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment revokes one position of Assistant Director for the Institutional Grants Program, currently listed as Humanist Administrator, Division of Education Programs; one Assistant Director for the Museums and Historical Organizations Program and one position of Humanist Administrator, currently listed as two Program Officers, Museums and Historical Organizations Program, Division of Public Programs, National Endowment for the Humanities (NEH) from Schedule A and simultaneously excepts these positions under Schedule B until September 30, 1980. This amendment also excepts one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs, NEH under Schedule B until September 30, 1980. These positions are excepted under Schedule B because it is impracticable to hold a competitive examination for them.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3182(b) (18) and (27) are revoked and 5 CFR 213.3282 (b) (9), (10), (11), and (12) are added as follows:

§ 213.3182 National Foundation on the Arts and the Humanities.

* * * * *

(b) *National Endowment for the Humanities.* * * *

(18) (Revoked).

* * * * *

(27) (Revoked.

* * * * *

§ 213.3282 National Foundation on the Arts and the Humanities.

* * * * *

(b) *National Endowment for the Humanities.* * * *

(9) Until September 30, 1980, one position of Assistant Director for the Institutional Grants Program, Division of Education Programs.

(10) Until September 30, 1980, one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs.

(11) Until September 30, 1980, one position of Assistant Director for the Museums and Historical Organizations Program, Division of Public Programs.

(12) Until September 30, 1980, one position of Humanist Administrator, Museums and Historical Organizations Program, Division of Public Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27357 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: Professional staff positions in grade GS–15 and below in the President's Commission on Military Compensation are excepted under Schedule A for employment not to exceed April 15, 1978. This exception is authorized because it is impracticable to examine for these positions.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3199(v) is added as set out below:

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(v) *President's Commission on Military Compensation.*

(1) Professional staff positions in grade GS–15 and below, for employment not to exceed April 15, 1978.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27358 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Air Force

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Seven positions of professor or associate professor at the Air University are expected under Schedule B because it is impracticable to hold competitive examinations for these positions. Initial employment under this authority for any one individual is limited to a period of two years, with a provision of a single extension of an additional 2 years.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3209(d) is added as set out below:

§ 213.3209 Department of the Air Air Force.

* * * * *

(d) Seven positions of professor or associate professor at the Air University, Maxwell Air Force Base, Ala., for employment of any one individual not to exceed 2 years. Such employment may be extended once for an additional period of 2 years. Total employment of any one individual under this authority may not exceed 4 years.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

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

[FR Doc.77-27327 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Community Services Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Special Assistant to the Associate Director for Public Affairs is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3373(e)(3) is added as set out below:

§ 213.3373 Community Services Administration.

* * * * *

(e) *Office of Public Affairs.* * * *

(3) One Special Assistant to the Associate Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

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

[FR Doc.77-27326 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Private Secretary to a Director is reestablished under Schedule C because it is confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly 5 CFR 213.3342(c) is amended as set out below:

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(c) One Private Secretary to each of three members of the Board of Directors.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

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

[FR Doc.77-27328 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Confidential Assistant to the Commissioner, Federal Supply Service because the position is confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3337(c)(2) is amended as set out below:

§ 213.3337 General Services Administration.

* * * * *

(c) *Federal Supply Service.* * * *

(2) Four Confidential Assistants to the Commissioner.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

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

[FR Doc.77-27329 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This transfers the organizational coverage of two previously authorized excepted employment authorities which were for the Social and Rehabilitation Service to the Social Security Administration and to the Health Care Financing Administrtion. One authority excepts from the competitive service 195 positions directly concerned with programs conducted by the Department in conntction with the problems of Cuban refugees; provided that new appointments shall be limited to Cuban refugees. The other authority excepts from the competitive service 50 professional and 4 clerical positions directly concerned with special teams to review the Medicaid program in selected States; employment under this authority may not exceed June 30, 1979. These exceptions are granted because it is impractical to competitively examine for these positions.

EFFECTIVE DATE: September 13, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3116 is amended to read as follows:

§ 213.3116 Department of Health, Education, and Welfare.

* * * * *

(d) *Social Security Administration.* * * *

(4) Not to exceed 195 positions directly concerned with programs conducted by the Department in connection with the problems of Cuban refugees: provided, that new appointments shall be limited to Cuban refugees.

* * * * *

(g) (Revoked)

* * * * *

(j) *Health Care Financing Administration.*

(1) Not to exceed 50 professional and 4 clerical positions directly concerned with special teams to review the Medicaid program in selected States. Employment under this authority may not exceed June 30, 1979.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

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

[FR Doc.77-27330 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Two positions of Special Assistant to the Deputy Commissioner of the Immigration and Naturalization Service are excepted from the competitive service under Schedule C because they are confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3310(j)(3) is amended to read as follows:

§ 213.3310 Department of Justice.

* * * * *

(j) *Immigration and Naturalization Service.* * * *

(3) One Confidential Assistant and two Special Assistants to the Deputy Commissioner.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27331 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C one position of Secretary (Steno) to the Director, Office of Public Affairs because it is confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3394(a)(26) is amended as set out below:

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(26) One Public Information Assistant and one Secretary (Steno) to the Director, Office of Public Affairs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27332 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Staff Assistant (Liaison Officer) to the Assistant Secretary for Economic Policy is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly 5 CFR 213.3305(a)(76) is added as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(76) One Staff Assistant (Liaison Officer) to the Assistant Secretary for Economic Policy.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27333 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Action

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions in the Office of the Director are excepted under Schedule C because they are confidential in nature: four Special Assistants, one Writer, and one Staff Assistant.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3359 (q) and (r) are amended and (x) is added as set out below:

§ 213.3359 ACTION.

* * * * *

(q) Two Staff Assistants to the Director.

(r) Six Special Assistants to the Director.

* * * * *

(x) One Writer to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27710 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The position of Special Assistant to the Deputy Assistant Secretary for Economic Development Planning is excepted from the competitive service under Schedule C because it is confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3314(q)(15) is added as set out below:

§ 213.3314 Department of Commerce.

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(15) One Special Assistant to the Deputy Assistant Secretary for Economic Development Planning.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27711 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature: one position of Special Assistant to the Principal Deputy Assistant Secretary (International Security Affairs), and one position of Private Secretary to the Deputy Negotiator from the Department of Defense for the Panama Canal Treaty Negotiations.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3306(a)(12) is amended and (95) is added as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(12) One Private Secretary and one Special Assistant to the Principal Deputy Assistant Secretary (International Security Affairs), Office of the Assistant Secretary of Defense for International Security Affairs.

* * * * *

(95) One Private Secretary to the Deputy Negotiator from the Department of Defense for the Panama Canal Treaty Negotiations.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.77-27712 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C one position of Confidential Secretary to the Special Assistant to the President for Consumer Affairs because it is confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3316(m)(5) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(m) *Office of Consumer Affairs.* * * *

(5) One Confidential Assistant and one Confidential Secretary to the Special Assistant to the President for Consumer Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27713 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One additional position of Special Assistant to the Assistant Secretary, Land and Water Resources is expected under Schedule C because it is confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3312(a)(47) is amended as set out below:

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(47) Three Special Assistants to the Assistant Secretary, Land and Water Resources.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

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

[FR Doc.77-27714 Filed 9-22-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

NOTE.—This document originally appeared at page 47547 in the FEDERAL REGISTER for Wednesday, September 21, 1977. It is reprinted in this issue to meet the assigned day-of-the-week publication schedule.

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Two positions of Special Assistant to the Deputy Assistant Secretary for Employment Standards are excepted under Schedule C because they are confidential in nature.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3315(a)(63) is added as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(63) Two Special Assistants to the Deputy Assistant Secretary for Employment Standards.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

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

[FR Doc.77-27743 Filed 9-22-77;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

PART 701—NATIONAL RURAL ENVIRONMENTAL PROGRAMS FOR 1975 AND SUBSEQUENT YEARS

Drought and Flood Conservation Program

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to revise the regulations concerning starting of practices to allow for approval of practice work performed on or after May 4, 1977, for which a request for cost-shares was not filed prior to beginning the practice. The drought emergency has created unusual circumstances affecting practice approval policy. The timing of the announcement of the program, the need to begin the practices immediately, as well as other factors that required that practices be started before a request could be filed, have caused an inequity among participants. This change is to make the program as equitable among participants as possible.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Mondloch, ASCS, 202–447–6221.

SUPPLEMENTARY INFORMATION: The Drought and Flood Conservation Program became available May 4, 1977, when the President signed into law the legislation authorizing the funds. It is essential that these provisions be effective as soon as possible since this affects farmers involved in the drought program. Accordingly, it is hereby found and determined that compliance with notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Accordingly, 7 CFR § 701.91 is amended to read as follows:

§ 701.91 Starting of practices.

Costs will be shared only for those practices, or components of practices, for which cost-sharing is requested before performance thereof is started, except that the State ASC committee has the authority to approve requests for cost-sharing filed within a period of time as determined by the State ASC committee for practice work performed on or after May 4, 1977, where the county committee determines that is was impractical for the producer to have timely filed a request, the practice is otherwise eligible, and the county ASC committee would have approved the practice if timely filed.

(Sec. 4, 49 Stat. 164; secs. 7–15, 16(a), 16(f), 16A, 17, 49 Stat. 1148, as amended, 71 Stat. 176, 71 Stat. 426, 72 Stat. 864, 75 Stat. 233, 86 Stat. 676 (16 U.S.C. 590d, 590g–590o, 590p (a), 590pA, 590q); secs. 1001–1009, 87 Stat. 241 (16 U.S.C. 1501–1510, Pub. L. 95–26, 91 Stat. 63).)

Signed at Washington, D.C., on September 13, 1977.

WELDON B. DENNY,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-27416 Filed 9-22-77;8:45 am]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Changes in Rules

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final Rule.

SUMMARY: This rule prescribes changes in several provisions of the acreage and compliance determination rules which affects participating farmers' compliance with provisions of Federal agricultural programs administered by the Agricultural Stabilization and Conservation Service. This rule is needed to incorporate policy decisions affecting 1977 and subsequent crop years. The rule change will clarify administrative procedures in determining crop acreages for 1977 and subsequent crop years for peanuts and flue-cured tobacco.

EFFECTIVE DATE: September 23, 1977.

ADDRESSES: Production Adjustment Division, ASCS, USDA, 3630 South Building, 14th Street and Independence Avenue SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Samuel T. Brown, Jr., (ASCS) (202–447–6817).

SUPPLEMENTAL INFORMATION:

1. The North Carolina Agricultural Stabilization and Conservation State Committee has determined that a deviation from the national rule concerning the criteria for making acreage redetermination refunds is no longer necessary. Therefore, this deviation is being deleted.

2. The provision concerning staking and referencing is being revised to permit the staking and referencing of an acreage that is less than the effective farm allotment for a marketing quota crop. This change makes it possible for a farmer to request staking and referencing for only that part of a crop acreage for which he does not have exact acreage data. The provision is being further revised to permit the staking and referencing of a flue-cured tobacco acreage up to 110 percent of the effective farm allotment since flue-cured tobacco farmers will be considered eligible for price support when the planted acreage does not exceed 110 percent of their allotment.

3. The measurement variance rule is being revised to add a new rule for flue-cured tobacco since producers of such tobacco are permitted to plant up to 110 percent of the effective farm allotment and still retain eligibility for price suppport.

4. The special rule for skip-row patterns in peanuts is being deleted since current cultural practices and erosion control measures cannot be practically carried out under such a restrictive rule. This change results in the skip-row procedures applicable to other crops becoming applicable to peanuts.

5. Redetermination of program acreage, appraised yield, or farm stored production are technical determinations which are not appealable under 7 CFR Part 780. Therefore, this provision is being strengthened by stating that redeterminations are final and are not appealable under Part 780.

6. The peanut adjustment procedures are being amended to provide authority for the Deputy Administrator, Programs to permit disposition of excess peanut acreage by methods not prescribed when unusual circumstances warrant special handling.

7. It is essential that this rule be made effective as soon as possible since many producers are already planting and need to know these changes. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Accordingly, 7 CFR Part 718 is amended as follows:

§ 718.4 [Amended]

1. Paragraph (c) of § 718.4 is amended by deleting subparagraph (2) under centerhead "North Carolina."

Paragraph (d) of § 718.5 is revised to read as follows:

§ 718.5 Measurement service.

* * * * *

(d) *Staking and referencing.* The acreage requested to be staked and referenced shall not exceed the effective farm allotment for marketing quota crops except flue-cured tobacco. For flue-cured tobacco the acreage requested to be staked and referenced shall not exceed 110 percent of the effective farm allotment. When the acreage requested to be staked and referenced equal the effective farm allotment (110 percent of effective flue-cured tobacco allotment) for marketing quota crops and the crop is planted within the staked area, the farm shall be considered in compliance with the allotment. If only part of the allotment for the farm was staked and referenced, only the acreage measured (if the crop is planted within such staked area) shall be guaranteed for the current program year.

3. Section 718.6 is amended by revising paragraph (c) and by deleting paragraph (g)(1)(i)(A) and the heading "(B) Other Row Crops" of subparagraph (B). As revised, paragraph (c) reads as follows:

§ 718.6 Determining farm operators adherence to program requirements.

* * * * *

(c) *Measurement variance*—(1) *For marketing quota crops except flue-cured tobacco.* The crop acreage determined in accordance with this section shall be acreage does not exceed the effective farm allotment when such determined acreage dos not exceed the effective farm farm allotment by more than the larger of 0.1 acre or two percent of the allotment but not to exceed 0.9.

(2) *For flue-cured tobacco.* The crop acreage determined in accordance with this section shall be deemed in compliance with 110 percent of the effective farm allotment when such determined acreage does not exceed 110 percent of the effective farm allotment by more than the larger of 0.1 acre or five percent of 110 percent of the allotment.

* * * * *

4. Section 718.10 is amended by adding the following sentence at the end of paragraph (a):

§ 718.10 Redeterminations.

(a) *General* * * * The redetermination is final and is not appealable under Part 780 of this chapter.

§ 718.11 [Amended]

5. Paragraph (b) of § 718.11 is amended by adding a new subparagraph (5) to read as follows:

(b) *Peanuts* * * *

(5) Any other method authorized by the Deputy Administrator and supervised by a represenative of the Agricultural Stabilization and Conservation Service when unusual circumstances justify special handling.

(Secs. 314, 373, 374, 375, 52 Stat. 48, as amended, 65, as amended, 66, as amended (7 U.S.C. 1314, 1373, 1374, 1375); Sec. 406, 615 Stat. 932, as amended (7 U.S.C. 1153).)

NOTE.—The Agricultural Stabilization and Conservation Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMD Circular A-107.

Signed at Washington, D.C. on September 13, 1977.

WELDON B. DENNY,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.77-27793 Filed 9-22-77;8:45 am]

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

[Lemon Reg. 112]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period September 25–October 1, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: September 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3545.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons continues good on 140's and larger, with some additional easing on 200's and smaller. Average f.o.b. price was $7.34 per carton the week ended September 17, 1977, compared to $6.99 per carton the previous week. Track and rolling supplies at 120 cars were the same as last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the

quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons 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 were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on September 20, 1977.

§ 910.412 **Lemon Regulation 112.**

(a) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 25, 1977, through October 1, 1977, is established at 205,000 cartons.

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

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

Dated: September 21, 1977.

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

[FR Doc.77-28017 Filed 9-22-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—ACCOUNT SERVICING

[FmHA Instruction 451.1]

PART 1861—ROUTINE

Subpart A—Account Servicing Policies

RETURN OF NOTES AFTER COLLECTION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation pertaining to promissory notes to increase the number of days an FmHA County Supervisor will hold a fully paid note. This action is brought about by a need to allow more time for the clearance and return of uncollectible payments when payment is made by personal check or a similar instrument.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

LaVerne A. Isenberg, 202-447-2852.

SUPPLEMENTARY INFORMATION: Section 1861.8(a)(1) of Chapter XVIII, Title 7, Code of Federal Regulations (37 FR 13703) Subchapter E, "Account Servicing," is amended. The purpose of this amendment is to extend the time the FmHA County Supervisor will hold a final payment from 15 days to 30 days. This extension allows for clearance and return of uncollectible payments when payment is made by personal check or similar instrument. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the change is procedural involving internal operations of the Agency; therefore, notice and public procedure thereon are unnecessary. Accordingly, § 1861.8(a)(1) as amended, reads as follows:

§ 1861.8 **Return of paid-in-full or satisfied notes to borrowers.**

(a) *Return of notes after collection.* * * *

(1) When final payment is made in a form other than currency and coin, U.S. Treasury check, cashier's check, certified check, postal or bank money order, bank draft, or a check by a responsible lending institution, or a responsible title insurance or title and trust company, the note(s) will not be surrendered until 30 days after the date of final payment.

* * * * *

(7 U.S.C. 1989; 40 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture (7 CFR 2.23); delegation of authority by the Assistant Secretary for Rural Development (7 CFR 2.70); delegations of authority by Director, OEO (29 FR 14764, 33 FR 9850))

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: September 9, 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77-27792 Filed 9-22-77;8:45 am]

[FmHA Instruction 451.4]

PART 1866—FINAL PAYMENT ON LOANS SECURED BY REAL ESTATE

Release of Promissory Notes

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation pertaining to promissory notes to increase the number of days an FmHA County Supervisor will hold a fully paid note. This action is brought about by a need to allow more time for the clearance and return of uncollectible payments when payment is made by personal check or a similar instrument.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

LaVerne A. Isenberg, 202-447-2852.

SUPPLEMENTARY INFORMATION: In § 1866.3 of Chapter XVIII, Title 7, Code of Federal Regulations (36 FR 17841), Subchapter E, "Account Servicing," a portion of the second sentence in paragraph (c)(1) is amended. The purpose of this amendment is to extend the time the FmHA County Supervisor will hold a final payment from 15 days to 30 days. This extension allows for clearance and return of uncollectible payments when payment is made by personal check or similar instrument. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the change is procedural involving internal operation of the Agency; therefore, notice and public procedure thereon are unnecessary. Accordingly, § 1866.3 (c)(1) as amended, reads as follows:

§ 1866.3 **County Office actions.**

* * * * *

(c) *Delivery of satisfaction, notes, and other documents.* * * *

(1) *Delivery of documents after notes stamped, "Paid-in-Full" are received from the Finance Office.* * * * The note will be returned to the borrower immediately, except the note will not be surrendered until 30 days after the date of the final payment when final payment is made in a form other than currency and coin, U.S. Treasury check, cashier's check, money order, bank draft, or check issued by a responsible institution.

(7 U.S.C. 1989; 40 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Secretary of Agriculture (7 CFR 2.23); delegation of authority by the Assistant Secretary for Rural Development (7 CFR 2.70); delegations of authority by Director, OEO (29 FR 14764, 33 FR 9850))

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: September 9, 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77-27791 Filed 9-22-77;8:45 am]

[FmHA Instructions 441.1, 441.2, 441.3, 443.1, 443.2, 443.3, 452.1, and 1904–C]

PART 1904—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

Redesignation, Revision, Consolidation

Correction

In FR Doc. 77-25312 appearing at page 44668 in the issue for Tuesday, September 6, 1977, in Exhibit F to Part 1904, in the first column of page 44692, the heading "ATTACHMENT I" should be inserted above the 5th full paragraph which begins "Memorandum of understanding * * *".

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

PART 2859—INSPECTION OF EGGS AND EGG PRODUCTS

Canadian Egg Products Inspection System

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This notice lists Canada as a nation maintaining an egg products inspection system that is the equivalent of the system maintained by the United States and therefore establishing the eligibility for certain plants in Canada to ship egg products into the United States.

EFFECTIVE DATE: October 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Ashley R. Gulich, Food Safety and Quality Service, United States Department of Agriculture, Room 3944 South Building, Washington, D.C. 20250, phone 202–447–3506.

SUPPLEMENTARY INFORMATION: The Egg Products Inspection Act (84 Stat. 16.20 et seq., 21 U.S.C. 1031–1056) prohibits the importation of egg products into the United States unless they were processed under an approved continuous inspection system of the government of the foreign country of origin and are labeled and packaged in accordance with the standards of the Act and the regulations issued thereunder (Part 2859).

On May 27, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 F.R. 27249) to amend the regulations governing the inspection of eggs and egg products (Part 59) to list Canada as a country from which certain plants would be eligible to export egg products to the United States. Part 59 has been recodified as Part 2859 in the FEDERAL REGISTER on June 27, 1977 (42 FR 32514) so references that follow to the regulations in this notice are to Part 2859.

Interested persons were afforded an opportunity to make comments on the proposal to the Hearing Clerk, United States Department of Agriculture, by July 26, 1977. Nine letters were received and were considered in the adoption of the rule herein. One was from a poultry producer, one was from a manufacturer of poultry packaging material, one from a packer and distributor of egg products, two from producers, processors, and distributors of eggs and egg products, three from trade organizations, and one from a national federation of egg marketing cooperative.

The major thrust of all the comments concerned the economic impact on the egg industry if Canada were allowed to ship egg products to this country. The correspondents commented on or objected to approval of the Canadian egg products inspection system which would permit Canadian egg products to enter this country on the following basis: Canadian egg industry is subsidized which creates unfair trade competition, fear of surplus Canadian egg products being dumped on U.S. market at prices below cost of production, and opposition to Canada imposing quotas on U.S. products. The Department understands the concern over the economic aspects of the approval of the Canadian system. However, these issues are beyond the scope of the Egg Products Inspection Act. In addition, there are other remedies available to the industry that should be used to resolve these problems, such as laws administered by the U.S. Treasury Department that cover subsidized imports and the dumping of surplus commodities.

One trade organization mentioned the possibility that egg products from Canadian plants not approved under the Canadian egg products system for export might export product to the United States. The Canadian government will approve only those plants meeting requirements for such export. The product will bear distinctive markings, will be accompanied by official Canadian inspection certificates, and will be subject to examining and sampling for laboratory analysis by USDA inspectors upon arrival in the United States.

Another trade organization, while touching briefly on the various economic aspects of the Canadian approval, stated that they are opposed to trade barriers and that if, in fact, the Canadian egg products inspection system is equal to our program in the United States and egg products from certain eligible plants meet the same requirements as our domestic egg products, they do not object to the adoption of the rule granting approval for importation of egg products into the United States from Canada. One correspondent challenged whether or not the Canadian egg products system is equivalent to that of the United States and asked whether the system would be controlled by the Canadian government or by provincial authorities. The approval of the Canadian egg products inspection system, as equivalent to that maintained by the United States, is based on a complete review of the applicable Canadian regulations and an onsite inspection review made by officials of the United States Department of Agriculture. The program will be centrally administered by the Canada Department of Agriculture in such a manner that only those plants meeting the requirements of the approved Canadian egg products inspection system will be eligible. Thus, all Canadian plants may not be approved to ship egg products into the United States. Any time product is being processed for export to the United States, it will be done under procedures and requirements equivalent to those of the United States, including continuous inspection, pasteurization, and testing for Salmonella. Continuous inspection will be provided by official Canadian inspectors. In addition, the entire system, including its application in plants approved for export to the United States, will be monitored by the United States Department of Agriculture.

§ 2859.910 [Amended]

In consideration of the foregoing, § 2859.910(b) in 7 CFR Part 2859 is amended by adding the word "Canada" after "United States:"

Dated: September 14, 1977.

ROBERT ANGELOTTI, Ph. D.,
Administrator.

[FR Doc.77-27492 Filed 9-22-77;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

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

Restrictions on Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document extends the prohibition placed on the importation into the United States of certain horses from England, Ireland, and France and the importation into the United States of certain horses which have been in such countries within the 60 days immediately preceding their export to the United States, because of the existence of Equine Metritis–77 (EM–77) in such countries to include Australia and all of the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man), as areas from which importations are prohibited. This action is necessary to protect the livestock of the United States from such disease. The effect of this action is to prohibit the entry of certain horses into the United States which would be likely to introduce or disseminate EM–77 into the United States.

EFFECTIVE DATE: The foregoing amendment shall become effective September 16, 1977, except for horses then in

transit to the United States from Australia and the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man) (i.e., loaded aboard a commercial carrier and en route to the United States).

FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 815, Hyattsville, MD 20782 (301-436-8170).

SUPPLEMENTARY INFORMATION: On September 9, 1977 (42 FR 45895) a prohibition was placed on the importation into the United States of certain horses from England, Ireland, and France and the importation into the United States of certain horses that have been in such countries within the 60 days immediately preceding their export to the United States because of the existence of EM-77 in such countries. This action was taken to protect the livestock of the United States against the introduction and dissemination of EM-77, a communicable disease of horses not known to exist in the United States. EM-77 is now known to exist in Australia and prohibitions on the importation of certain horses from or that have been in that country within the 60 days immediately preceding their export to the United States are hereby placed in effect. Additionally, similar restrictions placed on the importation of certain horses from England are being extended to include all of the United Kingdom (England, Scotland, Northern Ireland, Wales, and Isle of Man) because of the free interchange of animals within the United Kingdom.

Accordingly, Part 92, Code of Federal Regulations, is amended in the following respects:

In § 92.2, paragraph (i) is amended to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i) Notwithstanding the other provisions of this part concerning the importation of horses into the United States, the importation of all horses, except geldings, from the following listed countries and the importation of all horses, except geldings, which have been in any such country within the 60 days immediately preceding their export to the United States is prohibited because of the existence of EM-77 in such countries: Australia, the United Kingdom (England, Scotland, Northern Ireland, Wale, and Isle of Man), Ireland, and France.

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132, (21 U.S.C. 111, 134c, and 134f); 37 FR 28464, 28477; 38 FR 19141)

This amendment imposes additional restrictions on the importation of certain horses into the United States. The amendment is of an emergency nature and should be placed in effect immediately in order to protect the livestock of the United States from the introduction and dissemination of disease.

Therefore, for such good cause the Department finds that notice and other public procedure regarding this amendment are impracticable, unnecessary and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of September 1977.

NOTE: The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

ROBERT I. BROWN,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-27730 Filed 9-22-77;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 215—COLLECTION OF FOREIGN OIL SUPPLY AGREEMENT INFORMATION

Reporting Requirements

AGENCY: Federal Energy Administration (FEA).

ACTION: Final rule.

SUMMARY: FEA is establishing new reporting requirements with respect to foreign oil supply agreements in order to provide the government with a more comprehensive and usable data base. This information is necessary to improve the government's ability to assess the state and direction of the international oil market, and to assure that government decisions concerning that market are based on full and complete information. Data currently furnished to FEA cannot be fully utilized for this purpose. In the near future, FEA intends to issue revisions of the Forms F-701-M-O and P-328-Q-O dealing with crude oil imports, and a new form providing for information on foreign oil supply agreements.

EFFECTIVE DATE: September 19, 1977.

FOR FURTHER INFORMATION CONTACT:

General Counsel: Robert Goodwin (202) 566-9380. International Energy Affairs: David Oliver (202) 254-6848. Media Relations: Ed Vilade (202) 566-9833.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments.
III. Final Regulations.
A. General.
B. Expanded Reporting Requirements.
C. Reporting of New Developments.
D. Production of Contracts.
E. Reports on Negotiations.

I. BACKGROUND

On January 14, 1977, FEA issued proposed regulations to establish new reporting requirements for foreign oil supply agreements (42 FR 3652, January 19, 1977). These were in further elaboration of an earlier request for comment on a proposal to establish such requirements (41 FR 50331, November 15, 1976). In response, fifteen written and three oral statemeints were received, many of which argued against adoption of the proposal and in favor of augmenting current reports through voluntary consultations with reporting companies. However, as pointed out in the proposed rulemaking, information on the international oil market which is presently available to FEA is not sufficient to assess current conditions in this market and to monitor its development. Accordingly, FEA continues to believe that adoption of reporting requirements providing accurate and complete information is necessary for informed policy-making in areas affecting the energy supply interests of the United States, and that such requirements can be structured to minimize the burdens imposed.

Moreover, by issuing these regulations, FEA has no intention of restricting any dialogue with industry leading to a greater understanding of the data submitted or of the oil market in general.

The regulations issued today do, however, meet several of the concerns expressed in the comments (see *infra.*), and define with greater specificity a person's actual reporting obligations. In this regard FEA also intends to issue a Foreign Oil Supply Information Form to be used in connection with these regulations, as well as revisions of complementary Forms F-701-M-O and P-328-Q-O, deleting therefrom information to be sought under the new form. Existing forms will also be modified so that information concerning volumes, prices, payments to host governments and costs can be identified with specific contracts, and integrated with the information collected under the new form.

II. COMMENTS

Several comments reiterated concerns first expressed in connection with FEA's original proposal, regarding such matters as risks to competition from disclosure of confidential information, and the possibility that OPEC countries would refrain from granting concessions to U.S. companies obliged to make these public. FEA acknowledged these concerns in its January, 1977 proposal, but emphasized that any information reporting system could be constructed so as to strike an appropriate balance with the government's vital interest in monitoring oil market developments. Moreover, FEA also stated that any information furnished would be protected to the fullest extent provided by law. Accordingly, these concerns will not be discussed in detail. Certain other comments, relating to specific provisions of the proposed regulations, are discussed below.

1. *Part 215 should apply only to U.S. imports.* Some comments suggested that Part 215 should apply only to the extent that supply agreements cover oil destined for the United States. However, there is no practicable way to determine

destinations in the context of supply agreements. In addition, developments in the international crude oil markets affect U.S. energy and foreign policy interests regardless of the destination of a particular shipment. For these reasons, FEA is not adopting this suggestion.

2. *Delete information on service fees and costs of providing services.* Some persons suggested that service fees or operating payments are unconnected with crude oil purchasing arrangements, and should therefore not be subject to disclosure. FEA believes that such fees are integral to the purchase of oil, especially since concessions are in many instances being replaced by operating agreements, and accordingly rejects this suggestion.

3. *Clarify the term "produce".* Some comments demonstrated confusion with regard to the meaning of the term "produce" as it was used in § 215.3. In order to clarify FEA's intent in this regard, FEA has changed the phrase "lift or produce" to "lift for export by virtue of an equity interest, reimbursement for services, exchange or purchase." This eliminates oil lifted only for internal consumption from the quantities recognized under § 215.3, and also covers the variety of relationships which FEA had intended to cover by the term "produce."

4. *Clarify reporting requirements as they affect joint operations.* Some companies suggested that requirements to report relevant rights, obligations, and limitations are unclear as they relate to joint operations, since requirements affecting one participant often depend upon the actions of another. FEA appreciates this concern, and accordingly, has revised § 215.3 to provide procedures whereby the participants in joint operations can, where reports by any single participant would be impracticable, designate a single participant to report on the rights, obligations, and limitations affecting the operation as a whole.

5. *Elimina'e reporting for agreements under 200,000 average barrels per day.* Some companies argued that reporting requirements applicable to agreements covering the right to lift or produce 100,000 to 199,999 average barrels per day per year should be deleted, since such contracts were inconsequential. FEA acknowledges that in some instances, the smaller supply arrangements will be of limited importance for the analysis of economic trends, and could be exempted from Part 215 provided that monitoring of the remaining small supply contracts would permit FEA accurately to assess their cumulative impact on crude oil supply data. Accordingly, FEA has revised § 215.3 to eliminate the two-tier (100,000 b.d./200,000 b.d.) reporting system, replacing it with a single set of reporting requirements based on liftings of (1) an average of 150,000 or more barrels per day for periods of at least a year, (2) 55 million barrels or more for contracts of less than a year's duration (adopted to cover contracts of less than a year's duration covering a significant volume of oil), and (3) a total of 150 million barrels for the period specified in the agreement (which covers small annual liftings which, due to a lengthy contract term, cumulate to a significant amount). The reporting requirements are those originally applicable to liftings averaging 200,000 or more barrels per day, as further amended by this rulemaking. FEA believes that this change will alleviate the burdens of reporting with respect to the smallest contracts, without impairing the integrity of its data base.

6. *§ 215.6 should define the time at which notice of negotiations should be given.* The proposal required notification to FEA of negotiations "by any person entering into or conducting negotiations . . . which may significantly affect the terms and conditions or may reasonably lead to the establishment of any supply arrangement subject to reporting . . ." Notification was required no later than the later of 30 days after the effective date of the regulation or the date such negotiations were initiated. Some companies have pointed out that it may be difficult to determine when this requirement actually applies, since "initiation" requires reference to any number of events that can be judged subjectively. FEA agrees that it is not always possible to determine when an initial discussion will develop into a negotiation. Therefore, in order to allow some additional time for any necessary evaluation in this regard, the final regulation has been amended to eliminate coverage of persons "entering into" negotiations, and to reach only those actually conducting talks. In addition, the quoted language has been amended to cover negotiations "which may reasonably lead to the establishment of any supply arrangement subject to reporting pursuant to § 215.3 (a), or may reasonably have a significant effect on the terms and conditions of an arrangement subject to § 215.3(a)." Thus, where negotiations are in progress to modify an existing agreement, an obligation to report such negotiations will not arise unless and until (a) the modification is intended to be substantial, and (b) negotiations have become serious.

7. *Exempt from Part 215 contracts signed before its effective date which require confidentiality.* FEA has declined to accept this suggestion, since it would significantly impair the effectiveness of Part 215.

8. *Arrangements regarding non-OPEC crudes (e.g., North Sea) dedicated mostly to internal markets, should not be reported.* While FEA recognizes that certain crudes are, at present, generally exported to a greater degree than others, it is not possible to predict ultimate supply patterns. Accordingly, FEA cannot accept this suggestion. However, as discussed above, FEA has exempted from § 215.3, those crudes lifted only for internal consumption.

9. *Define the term "cost" as used in § 215.3.* Some comments stated that the term "cost", as used in § 215.3, required further clarification. As amended, § 215.3 requires that persons report only the "cost" of providing services; the requirement that firms report the "cost of production" for equity crude has been eliminated in order to avoid redundancy with the P–328–Q–O, which currently requires that such data be furnished to FEA. FEA will propose to relate this requirement, as it appears on the P–328–Q–O, to individual contracts.

With respect to service costs, FEA agrees that the term should be clarified, since reporting companies may include a variety of components in the applicable figure. Accordingly, it should be understood that where this term appears, it is to be interpreted in accordance with a person's customary accounting procedures, generally accepted and consistently and historically applied. Firms should make every effort to distinguish between the cost items required by the various forms, in order to avoid double counting.

10. *Clarify "right to . . . produce" in § 215.3 (a) and (b).* One company pointed out that in determining whether a company has the "right to lift *or produce*" a quantity of crude oil sufficient to be subject to reporting requirements, the right to produce is meaningless if the quantity is not yet discovered. As indicated at point 3, *supra*, FEA has deleted the term "produce" from the final text. However, with respect to the "lifting" requirements now in the § 215.3, FEA has further provided that they shall apply only with respect to fields actually in production.

11. *Government take.* Section 215.3(a)(2)(iv) requires that firms report payments made to, or interests retained by, the host government. The wording of this section has been changed from "existing government take" in recognition of the multiplicity of contractual arrangements between governments and companies relating to conditions of access to supplies of crude oil. The intent of this section is to have respondent companies provide sufficient information relating to each of the items such as lease acquisition payments, rentals, royalties, taxes, participation interests, and preemption of hydrocarbons produced so that the U.S. Government can adequately identify the fiscal costs of the crude oil acquired. Reports must identify rates or terms, and the bases to which these rates or terms are applied. If formulae for the calculation of such payments are specified in the agreement the formulae should also be reported and described.

12. *Production Forecasts.* In response to several comments, FEA has eliminated the requirement in § 215.3 that firms report production forecasts for the next five years. Such forecast information can be obtained in large measure from other sources. In addition, forecasts are subject to so many variables and subjective factors, that, upon reconsideration FEA has decided not to include this requirement.

13. *Clarify "other obligations."* Some persons commented that the requirement in § 215.3 to report "other obligations" is unclear. Accordingly, it is revised to require reporting of all material contract terms.

III. FINAL REGULATIONS

A. *General.* The regulations are adopted as proposed, except for the clarifications described above, a further clarification of FEA's intent to obtain proposed agreements in certain cases, an added requirement that companies report changes in participation ratios and concessionary arrangements and certain other minor clarifications. In general, the regulations expand previous reporting of certain price developments, in particular government decreed changes in prices, price differentials, permitted lifting levels, and downstream obligations. Information in addition to that already reported will be required with respect to lifting obligations and options and, in case of equity interests, government imposed production limitations. The regulations also provide procedures for obtaining existing or proposed supply agreements.

B. *Expanded Reporting Requirements.* The distinction between purchases and acquisition through equity interests, and the differing reporting requirements for each, have been dropped, since in view of the wide range of contractual relationships prevailing between companies and host governments, some arrangements may not have been readily classifiable. The expanded reporting requirements for all covered supply arrangements, not including those imposed pursuant to Forms F-701-M-O and P-328-Q-O, include:

(1) Parties (including partners and percentage interests, if applicable).

(2) Grade or grades available; loading terminal or terminals.

(3) Government imposed production limits, if any.

(4) Minimum lifting obligations and maximum lifting rights.

(5) Details of lifting options within the above limits.

(6) Expiration and renegotiation dates.

(7) Price terms including credit, rebates and discounts.

(8) Other payments to or interests retained by host government (i.e., tax, royalty, and other payment).

(9) Related service fees and cost of providing services.

(10) Restrictions on shipping or disposition.

(11) Other material contract terms.

Such reports are required for any arrangements permitting a person to lift from a country (1) an average of 150,000 barrels per day for a period of at least one year, (2) 55 million barrels for a period of less than a year, or (3) a total of 150 million barrels for the period specified in the agreement. Under the provision as revised, reports will be required (i) 60 days after final issuance of reporting forms implementing these regulations, (ii) fourteen days after the date when supply arrangements are entered into, or (iii) fourteen days after the initial lifting under an agreement in which the parties have tentatively concurred but not yet signed, whichever occurs first. Parties are required to report significant changes in those arrangements within 30 days after such changes occur.

Special note should be made of the last two items. One of the main purposes of these requirements is to determine the influence exercised by oil producing countries on downstream activities. It will also permit monitoring of other commitments which oil companies make to producing governments in order to obtain crude oil.

Finally, it should be noted that where FEA believes that such a procedure would further the objectives of Part 215, it may request a person to confer with FEA representatives in order to discuss the terms of access to foreign crude oil supplies as required to be reported under these regulations, or conditions in the oil market generally. A request of this type would not be mandatory, although refusal to confer could result in a mandatory request pursuant to § 215.4 for further written information and documentation.

C. *Reporting of New Developments.* In addition, and to the extent not required under § 215.3, companies will be required to report within 30 days, prior volumetric changes imposed by the host government in connection with their lifting. Matters to be noticed include changes in official selling prices, government take, differentials in either official selling prices or government take, service fees, and other items. With respect to lifting rights, companies must report any changes in lifting restrictions. Reporting will be required with respect to those crude streams which a company lifts.

D. *Reporting of Contracts.* The regulations do not require the production of individual contracts and related documents as a matter of course. Pursuant to Section 13 of the Federal Energy Administration Act, however, FEA may require such material in appropriate cases. Accordingly, § 215.4 authorizes FEA to request production where necessary to assist in the formulation of energy policy or in the implementation of an FEA function. Section 215.4 has been revised to clarify its scope, by including within the definition of material that may be requested, any proposed or draft agreement, and agreements in which the parties have tentatively concurred but have not signed, between or among persons covered by the regulations and a host country. In the preamble to its proposal, FEA stated it intended to provide authority to obtain proposed agreements, although § 215.4 was not clear in this regard.

E. *Reports on Negotiations.* FEA will continue to rely on its present discretionary system of direct contact with companies in appropriate cases, and where necessary its power to require production of documents. To assure that the government is aware of negotiations in progress so that inquiries may be initiated in appropriate cases, companies must, within 14 days of their initiation, notify FEA of ongoing negotiations which may significantly affect the terms and conditions of major supply arrangements and may reasonably lead to the establishment or modification of such arrangements.

This approach has the advantage of giving the government greater flexibility in dealing with particular problems, especially the need to preserve confidentiality, while avoiding direct U.S. Government participation as a third-party in such negotiations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163, and Pub. L. 94-335; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended by adding a new Part 215 as set forth below.

Issued in Washington, D.C., September 19, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

Sec.
215.1 Purpose.
215.2 Definitions.
215.3 Supply reports.
215.4 Production of contracts and documents.
215.5 Pricing and volume reports.
215.6 Notice of negotiations.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-519, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133 and Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23195.

§ 215.1 Purpose.

The purpose of this part is to set forth certain requirements pursuant to section 13 of the Federal Energy Administration Act to furnish information concerning foreign crude oil supply arrangements. The authority set out in this section is not exclusive.

§ 215.2 Definitions.

As used in this subpart:

"Administrator" means the Federal Energy Administrator or his delegate.

"FEA" means the Federal Energy Administration.

"Host government" means the government of the country in which crude oil is produced and includes any entity which it controls, directly or indirectly.

"Person" means any natural person, corporation, partnership, association, consortium, or any other entity doing business or domiciled in the U.S. and includes (a) any entity controlled directly or indirectly by such a person and (b) the interest of such a person in any joint venture, consortium or other entity to the extent of entitlement to crude oil by reason of such interest.

§ 215.3 Supply reports.

(a) Any person having the right to lift for export by virtue of an equity interest,

reimbursement for services, exchange or purchase, from any country, from fields actually in production, (1) an average of 150,000 barrels per day or more of crude oil for a period of at least one year, or (2) a total of 55,000,000 barrels of crude oil for a period of less than one year, or (3) a total of 150,000,000 barrels of crude oil for the period specified in the agreement, pursuant to supply arrangements with the host government, shall report the following information.

(1) Parties (including partners and percentage interest, where applicable).
(2) Grade or grades available; loading terminal or terminals.
(3) Government imposed production limits, if any.
(4) Minimum lifting obligation and maximum lifting rights.
(5) Details of lifting options within the above limits.
(6) Expiration and renegotiation dates.
(7) Price terms including terms of rebates, discounts, and number of days of credit calculated from the date of loading.
(8) Other payments to or interests retained by the host government (i.e. taxes, royalties, and any other payment to the host government) expressed in terms of the applicable rates or payment or preemption terms, or the base to which those rates or terms are applied.
(9) Related service or other fees and cost of providing services.
(10) Restrictions on shipping or disposition.
(11) Other material contract terms.

(b) Reports under this section shall be made no later than (1) 60 days after final issuance of reporting forms implementing this regulation, as announced in the FEDERAL REGISTER, (2) fourteen days after the date when supply arrangements are entered into, or (3) fourteen days after the initial lifting under an agreement in which the parties have tentatively concurred but not signed, whichever occurs first. Reporting shall be based on actual practice between the parties. Material changes in any item which must be reported pursuant to this section shall be reported no later than 30 days after a person receives actual notice of such changes.

(c) Where reports under this section by each participant in a joint operation would be impracticable, or would result in the submission of inaccurate or misleading information, the participants acting together may designate a single participant to report on any of the rights, obligations, or limitations affecting the operation as a whole. Any such designation shall be signed by a duly authorized representative of each participant, and shall specify:

(1) The precise rights, obligations, or limitations to be covered by the designation; and

(2) The reasons for the designation. Such designations shall be submitted to the Assistant Administrator for International Energy Affairs, and shall take effect only upon his written approval, which may at any time be revoked.

§ 215.4 Production of contracts and documents.

Whenever the Administrator determines that certain foreign crude oil supply information is necessary to assist in the formulation of energy policy or to carry out any other function of the Administrator, he may require the production by any person of any agreement or document relating to foreign oil supply arrangements or reports related thereto. Such material shall be provided pursuant to the conditions prescribed by the Administrator at the time of such order or subsequently. As used in this section, the term "agreement" includes proposed or draft agreements, and agreements in which the parties have tentatively concurred but have not yet signed, between or among persons and a host country.

§ 215.5 Pricing and volume reports.

To the extent not reported pursuant to § 215.3, any person lifting for export crude oil from a country shall report to the FEA within 30 days of the date on which he receives actual notice:

(a) Any change (including changes in the timing of collection) by the host government in official selling prices, royalties, host government taxes, service fees, quality or port differentials, or any other payments made directly or indirectly for crude oil; changes in participation ratios; changes in concessionary arrangements; and

(b) any changes in restrictions on lifting, production, or disposition.

§ 215.6 Notice of negotiations.

Any person conducting negotiations with a host government which may reasonably lead to the establishment of any supply arrangement subject to reporting pursuant to § 215.3(a), or may reasonably have a significant effect on the terms and conditions of an arrangement subject to § 215.3(a), shall notify FEA of such negotiations. Such notice shall be made no later than the later of 30 days after the effective date of this regulation or within 14 days after such negotiations meet the conditions of this section, and shall specify all persons involved and the host government affected. Notice must be in writing to the Assistant Administrator for International Energy Affairs. Where this notice pertains to negotiations to modify a supply agreement previously reported to the Federal Energy Administration under this Part, such notice shall include the agreement serial number assigned to the basic agreement.

[FR Doc.77-27878 Filed 9-22-77;8:45 am]

CHAPTER III—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

PART 871—AIR TRANSPORTATION OF PLUTONIUM

AGENCY: Energy Research and Development Administration.

ACTION: Final rule.

SUMMARY: This rule prescribes circumstances under which the Energy Research and Development Administration (ERDA) may make air shipments of plutonium for purposes of national security and public health and safety, within the meaning of Section 502(2) of Pub. L. 94-187.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Colonel Roy E. Lounsbury, USA, Assistant Director for Safety, Environment, and Emergency Actions, Division of Military Application, Energy Research and Development Administration, Washington, D.C. 20545 (301-353-5277).

SUPPLEMENTARY INFORMATION: On May 24, 1977, ERDA published a proposed rule (42 FR 26431, 26432) to revise Part 871 (1) to establish, with greater specificity, circumstances under which air shipments of plutonium for purposes of national security, within the meaning of Section 502(2) of Pub. L. 94-187, may be authorized; (2) to specify that determinations pursuant to § 871.1, National Security Exemption, shall be made, as appropriate, by Managers of ERDA's Albuquerque, San Francisco, Oak Ridge, Savannah River, and Nevada Operations Offices; and (3) to implement Section 502(2) of Pub. L. 94-187 by promulgating rules with regard to air transportation of plutonium for purposes of public health and safety. Comments were requested from the public on or before June 23, 1977.

Comments were received which endorsed the rules or which recommended that air shipment of plutonium be unrestricted in order to provide for increased security.

Several commentators have urged that ERDA cease authorizing air shipments of plutonium for any purpose or that shipments be authorized only in case of war. These commentators base their views on their beliefs that ground transportation is adequate for all, or at least, peacetime transportation of plutonium and that air transportation poses an unacceptable danger to the public health and safety. ERDA does not agree.

ERDA believes that the methods used for both air and ground transportation provide adequate levels of safety. While there may be a greater chance of release in some aircraft accidents, there is a significantly lower probability of an aircraft accident occurring. In addition, a truck is confined to roads which must pass through areas where the average population density is greater than it is for the routes traveled by the aircraft. Recent analyses have shown that either method has a very low probability of exposing the public to plutonium. Air transportation provides a high level of security protection of cargo being transported. A permanent, total ban of this nature would not be consistent with the intent of Congress which imposed a ban with certain specified exemptions only until such time as a container could be certified to Congress.

A comment expressed concern for public safety and recommended that aircraft which have been used for air shipments of plutonium not be subsequently used to carry "for hire" passengers unless the aircraft are subjected to testing and found to be free of leakage or contamination. It would appear that the passenger safety aspects of air transportation of plutonium are addressed by Title 49 CFR, Subtitle B, Chapter I, Subchapter C—Hazardous Materials Regulations, which implements the Transportation Safety Act and which deals with the safety in transportation of hazardous materials. Because the new ERDA rules are to more specifically define circumstances under which air shipments may be authorized rather than to delineate related vehicle inspection requirements, we do not believe that amendment to the proposed revision of Part 871 to reflect this comment is necessary or appropriate. However, ERDA has implemented this suggestion by means of an internal directive.

A comment was made that section 871.1, National Security Exemption, "impermissibly exceeds the scope of the exemption granted by Congress." ERDA does not agree. Although it prohibited most air shipments of plutonium by ERDA by enactment of Public Law 94-187, Congress expressly recognized that certain shipments of plutonium, including those for purposes of national security, are in the public interest and must be continued. Congress, without imposing any restriction other than the promulgation of governing regulations, authorized ERDA to make shipments for purposes of national security. In so doing, Congress displayed its faith in the experience and expertise of this agency in determining national security requirements. We believe that section 871.1 demonstrates that such faith was justified. In our opinion, section 871.1 fulfills the goal shared by Congress and our agency of establishing standards which permit only the authorization of air shipments of plutonium essential for national security purposes.

One comment indicated that section 871.1(b)(3), which permits air shipment to avoid damage, is illegal since the risk of damage is greater in air transport than surface transport. This exemption is concerned with avoiding damage to fragile devices in transit rather than in an accident. Occasionally such devices are transported before they are configured in a rugged form. Such a device might be shipped by air to preclude damage which might otherwise result from the severe surface transportation vibrational environment.

One comment stated that section 871.1(b)(2) is "impermissibly vague" to the extent that it refers to "safeguards" and that, if shipments are made for safeguards reasons, only military aircraft should be used. ERDA does not agree that it is necessary to discriminate between military and commercial air transport. Safeguards considerations are well understood by those ERDA managers of operations delegated authority under these regulations and certainly Congress intended to permit the use of commercial aircraft for the shipment of plutonium. In our opinion, there is little difference between shipping by military and commercial aircraft from a security standpoint.

Another comment suggested that Section 871.1(b)(4) should be stricken since shipments of small amounts of plutonium are permitted under Section 502(3) of the statute, and that these small shipments be authorized only by the Administrator. Section 871.1(b)(4), National Security Exemption, was drafted to encompass circumstances under which air shipments for purposes of national security can be authorized, even though another exemption might also be applicable. We believe that it is eminently reasonable for ERDA to authorize an air shipment for "purposes of national security" when it is made for any of the purposes set forth in Section 871.1(a)(1) and the nature of the item being shipped necessitates rapid shipment by air to preserve the chemical, physical, or isotopic properties of the item. We find nothing in Section 871.1(b)(4) inconsistent with requirements placed upon ERDA by Public Law 94-187.

Approval to authorize air shipments of plutonium has been vested in certain ERDA managers of operations. It is our belief that delegation to these senior operations office officers assures high level consideration of the justification and need to ship plutonium by air. Requiring determinations to be made by the Administrator or Assistant Administrator for National Security would merely add unnecessary layers of management attention and control without compensating health and safety benefits.

One comment suggested that the rule be reworded so that state health departments would have an opportunity to review health and safety needs prior to the use of the health and safety exemption. ERDA disagrees. This is a federal function preempted by Congress and not subject to state and local review. In addition, ERDA believe that this suggestion is contrary to the purpose of the health an safety exemption. If there were sufficient time available to allow a review of requirements for air shipment by state officials, there would normally be time to use some other means of transportation. Clearly the intent of this exemption is to permit immediate response to unforeseen situations which could endanger public safety.

Another comment suggested that some airports lack the capability for handling accidents involving plutonium and indicated that the rules should include a requirement for the adequate protection of public health and safety by requiring the formulation of emergency plans. ERDA complies with all applicable DOT and Federal Aviation Administration regulations that apply to ERDA as a shipper. In addition, there is an Interagency Radiological Assistance Plan, administered by ERDA, which provides for the marshalling of federal, state, and local resources so as to provide effective radiological emergency actions with very short notice and anywhere in the country. Because this plan is in being and because airport safety requirements are addressed in other federal regulations, it would not seem appropriate to incorporate this comment.

A final comment recommended that thermal (burn) testing be included in the testing used to certify that safe containers have been developed. Thermal testing is presently part of the ERDA certification tests and the thermal environment is more severe than any expected in an aircraft crash and fire.

Accordingly, 10 CFR Part 871 is hereby revised to read as follows:

Sec.
871.1 National security exemption.
871.2 Public health and safety exemption.
871.3 Records.
871.4 Limitation on redelegation of authority.

AUTHORITY: Pub. L. 94-187, Pub. L. 93-438, §§ 2, 3, 91, 123, and 161 of the Atomic Energy Act of 1954, as amended.

§ 871.1 National security exemption.

(a) The following ERDA air shipments of plutonium are considered as being made for the purposes of national security within the meaning of Section 502(2) of Pub. L. 94-187:

(1) Shipments made in support of the development, production, testing, sampling, maintenance, repair, modification, or retirement of atomic weapons or devices;

(2) Shipments made pursuant to international agreements for cooperation for mutual defense purposes; and

(3) Shipments necessary to respond to an emergency situation involving a possible threat to the national security.

(b) The Managers of ERDA's Albuquerque, San Francisco, Oak Ridge, Savannah River, and Nevada Operations Offices may authorize air shipments falling within paragraph (a)(1) of this Section, on a case-by-case basis: Provided, That the matter falls within their respective scopes of responsibility and that they determine such shipment is required to be made by aircraft either because:

(1) The delay resulting from using ground transportation methods would have serious adverse impact upon a national security requirement;

(2) Safeguards or safety considerations dictate the use of air transportation;

(3) The nature of the item to be shipped necessitates the use of air transportation in order to avoid possible damage which may be expected from other available transportation environments; or

(4) The nature of the item being shipped necessitates rapid shipment by air in order to preserve the chemical, physical, or isotopic properties of the item.

They may also authorize air shipments falling within paragraph (a)(2) of this Section in all cases since the inherent time delays of surface transportation for such shipments are considered unacceptable. They may also authorize air ship-

ments falling within paragraph (a)(3) of this Section in cases where failure to make shipments by air could jeopardize the national security of the United States.

§ 871.2 Public health and safety exemption.

The Managers of ERDA's Albuquerque, San Francisco, Oak Ridge, Savannah River, Nevada, Chicago, Idaho, and Richland Operations Offices may authorize, on a case-by-case basis, ERDA air shipments of plutonium where they determine that rapid shipment by air is required to respond to an emergency situation involving possible loss of life, serious personal injuries, considerable property damage, or other significant threat to the public health and safety.

§ 871.3 Records.

Determinations made by the authorizing officials pursuant to these rules shall be matters of record. Such authorizations shall be reported to the Assistant Administrator for National Security within twenty-four hours after authorization is granted.

§ 871.4 Limitation on redelegation of authority.

The authority delegated in this part may not be redelegated without the prior approval of the Assistant Administrator for National Security.

Dated at Washington, D.C. this 19th day of September, 1977.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.77-27848 Filed 9-22-77;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 10—MUNICIPAL SECURITIES DEALERS

Correction

AGENCY: Comptroller of the Currency.

ACTION: Correction of Regulation.

SUMMARY: The purpose of this document is to correct an earlier document which was published in the FEDERAL REGISTER on September 9, 1977, at page 45511. The effective date indicated in § 10.4(a)(2) should have read "October 31, 1977" instead of "September 15, 1977."

FOR FURTHER INFORMATION CONTACT:

Harold I. Freilich, Securities Disclosure Division (202-447-1954), or Richard H. Neiman, Attorney, Legal Advisory Services Division (202-447-1884), Comptroller of the Currency, Washington, D.C. 20219.

CORRECTION

In FR Doc. 77-26068 appearing at page 45510 in the FEDERAL REGISTER of September 9, 1977 § 10.4(a)(2) appearing on page 45511 is corrected by deleting "September 15, 1977," and adding "October 31, 1977,".

Dated: September 20, 1977.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc.77-27870 Filed 9-22-77;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 329—INTEREST ON DEPOSITS

Temporary Suspension of Penalties for Premature Withdrawal of Time Deposits

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Temporary Suspension of Penalties for Premature Withdrawal of Time Deposits.

SUMMARY: The Board of Directors of FDIC has authorized insured nonmember banks to suspend temporarily the penalties for premature withdrawal of time deposits required by § 329.4(d) of FDIC's regulations. The regulations require the forfeiture of three months' interest for the premature withdrawal of time deposits and reduction in the rate of interest paid to the maximum allowed for passbook savings accounts.

The suspension would cover any depositor who has suffered a demonstrable economic loss to property directly related to the flooding occurring throughout five counties in Missouri. These counties were declared major disaster areas by the President on September 14, 1977. This temporary suspension is intended to enable depositors who have suffered disaster-related losses to draw upon funds in time deposits prior to maturity without being penalized.

DATES: Suspension effective September 14, 1977, to expire March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, Washington, D.C. 20429 (202-389-4324).

SUPPLEMENTARY INFORMATION: The recent flooding throughout parts of Missouri has resulted in substantial property damage and economic loss. The affected regions were declared major disaster areas by the President on September 14, 1977, pursuant to the Disaster Relief Act of 1974 (42 U.S.C. 5141). Under the Presidential Proclamation, the affected counties are: Clay, Jackson, Lafayette, Platte, and Ray.

Section 329.4(d) of the FDIC's regulations (12 CFR 329.4(d)) provides that when an insured nonmember bank pays a time deposit prior to maturity, the depositor must forfeit up to three months' interest on the amount withdrawn and the rate of interest on the amount withdrawn is reduced to the maximum rate which may be paid on savings accounts.

In light of the declared state of emergency and the immediate need for funds for reconstruction and similar purposes, FDIC's Board of Directors is allowing insured nonmember banks to temporarily suspend § 329.4(d) so as to allow depositors who have suffered disaster-related losses to have access to funds in time deposits prior to maturity without being penalized.

This order extends only to time deposits held by insured nonmember banks. However, since the order is intended to inure to the benefit of all the victims of the disaster without regard to whether particular depositors are residents of the disaster area, banks outside of the disaster area will be authorized to waive the penalty pursuant to this order provided that the depositor has suffered a disaster-related loss occasioned by the recent flooding.

The suspension will also automatically apply to counties or areas that may, as a result of the flooding, be declared disaster areas by Presidential Proclamation subsequent to promulgation of this suspension.

The program will operate on a voluntary basis only. It is up to each insured nonmember bank to decide whether to allow the withdrawals authorized by this order. In addition, banks which take advantage of this temporary suspension have the responsibility to ascertain that individual depositors seeking to withdraw time deposits prior to maturity did in fact suffer a disaster-related loss. In this regard, it is suggested that appropriate documentation may consist of photographs of the damaged property, cancelled checks for repairs, insurance claims documents, or the like. In appropriate cases, actual knowledge by a bank officer of the fact of a loss will suffice. Also, any depositor seeking withdrawal pursuant to this exception will be required to execute a statement to the effect that he is seeking withdrawal pursuant to a disaster-related loss occasioned by the flood.

The suspension will be retroactive to September 14, 1977, the date of the Presidential disaster declaration, and will expire on March 31, 1978. This period will permit a full assessment of the casualty losses and allow sufficient time for eligible depositors to withdraw funds without penalty and begin the rebuilding process.

Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) authorizes the FDIC to prescribe rules and conditions for the payment by insured State nonmember banks of time deposits prior to maturity.

Pursuant to its authority under Section 18(g), FDIC's Board of Directors hereby authorizes the temporary suspension of § 329.4(d) with respect to depositors suffering a loss in the flood disaster, the suspension to be effective September 14, 1977, and to expire at midnight on March 31, 1978.

The requirements of Section 553(b) and 533(d) of Title 5 of the United States Code and §§ 302.1, 302.2 and 302.5 of Title 12 of the Code of Federal Regulations with respect to notice, public participation, and deferred effective date were not

followed in connection with the issuance of this order because it enlarges existing rights, grants an exemption, is limited both in duration and with respect to the class of persons affected thereby, because of the immediacy of the need for this temporary suspension, and because the Board of Directors found that the public interest would best be served by making the order effective immediately.

By order of the Board of Directors, September 19, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-27905 Filed 9-22-77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2898]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Heirloom Collection, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires an Indianapolis, Ind. door-to-door seller of china, crystal, cookware, flatware, and linen, to cease violating the Truth in Lending Act by failing to provide to consumers, in connection with the extension of consumer credit, such disclosures as are required by Federal Reserve Board regulations. Further, the order requires the firm to make conspicuous disclosure of customers' refund rights in lay-a-way plan agreements; to retain, without contractual obligations, merchandise until full cash payment is received; and where such purchase is revoked, to make prompt refund of all monies paid toward full cash price.

DATES: Complaint and order issued August 25, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Paul Turley, Acting Regional Director, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603 (312-353-4423).

SUPPLEMENTARY INFORMATION: On Wednesday, June 15, 1977, there was published in the FEDERAL REGISTER (42 FR 30515) a proposed consent agreement with analysis In the Matter of The Heirloom Collection, Inc., a corporation, and Future Enterprises, Inc., a corporation, and Linencrest, Inc., a corporation, and George L. Douglass, individually and as an officer of said corporations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order. No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Corrective Actions and/or Requirements: § 13.533: Corrective actions and/or requirements; § 13.533-20: Disclosures; § 13.533-45: Maintain records; § 13.533-55: Refunds, rebates and/or credits. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675: Delaying or withholding corrections, adjustments or action owed. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1623: Formal regulatory and statutory requirements; § 13.1623-95: Truth in Lending Act; § 13.1725: Refunds; § 13.1740: Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Prices: § 13.1823: Terms and conditions; 13.1823-20: Truth in Lending Act. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1852: Formal regulatory and statutory requirements; § 13.1852-75: Truth in Lending Act; § 13.1895: Scientific or other relevant facts; § 13.1905: Terms and conditions; § 13.1905-60: Truth in Lending Act.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147 (15 U.S.C. 45, 1601, et seq).)

CAROL M. THOMAS,
Secretary.

[FR Doc.77-27799 Filed 9-22-77;8:45 am]

[Docket No. C-2899]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Premier Clothing Co., Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a N.Y.C. clothing manufacturer and distributor to cease misbranding and misrepresenting the wool and constituent fiber content of its products. The firm is also required to advise affected customers that the clothing they purchased was misbranded.

DATES: Complaint and order issued August 31, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Jack Dugan, Acting Director, New York Regional Office, Federal Trade Commission, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007 (212-264-1207).

SUPPLEMENTARY INFORMATION: On Friday, June 24, 1977, there was published in the FEDERAL REGISTER (42 FR 32258) a proposed consent agreement with analysis In the Matter of Premier Clothing Co., Inc., a corporation, and Sidney Kriegler, individually and as an officer of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.30: Composition of goods; § 13.30-100: Wool Products Labeling Act; § 13.45: Content; § 13.73: Formal regulatory and statutory requirements; § 13.73-70: Wood Products Labeling Act; § 13.205: Scientific or other relevant facts. Subpart—Corrective Actions and/or Requirements: § 13.533: Corrective actions and/or requirements; § 13.533-20: Disclosures. Subpart—Importing, Manufacturing, Selling or Transporting Merchandise: § 13.1060: Importing, manufacturing, selling or transporting merchandise. Subpart—Invoicing Products Falsely: § 13.1108: Invoicing products falsely; § 13.1108-40: Federal Trade Commission Act; § 13.1108-90: Wool Products Labeling Act. Subpart—Misbranding or Mislabeling: § 13.1170: Advertising and promotion; § 13.1185: Composition; § 13.1185-90: Wool Products Labeling Act; § 13.1200: Content; § 13.1212: Formal regulatory and statutory requirements; § 13.1212-90: Wool Products Labeling Act; § 13.1320: Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1590: Composition; § 13.1590-90: Wool Products Labeling Act; § 13.1605: Content; § 13.1623: Formal regulatory and statutory requirements; § 13.1623-90: Wool Products Labeling Act; § 13.1740: Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1845: Composition; § 13.1845-15: Federal Trade Commission Act; § 13.1845-80: Wool Products Labeling Act; § 13.1850: Content; § 13.1852: Formal regulatory and statutory requirements; § 13.1852-80: Wool Products Labeling Act; § 13.1895: Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Induce-

[1] Copies of the Complaint, and the Decision and Order filed with the original document.

[1] Copies of the Complaint, and the Decision and Order filed with the original document.

ments to Purchase or Deal: § 13.2063: Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2–5, 54 Stat. 1128–1130 (15 U.S.C. 45, 68).)

CAROL M. THOMAS,
Secretary.

[FR Doc.77-27800 Filed 9-22-77;8:45 am]

[Docket No. 9084]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

TRW Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Shaker Heights, Ohio firm, addressograph-Multigraph Corporation, to cease interlocking directorates by seating on its board of directors any person who is simultaneously serving on the board of directors of any competitive company.

DATES: Complaint issued June 17, 1976. Decision and Order issued Aug. 11, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, Cleveland Regional Office, Federal Trade Commission, 1339 Federal Office Building, 1240 East Ninth St., Cleveland, Ohio 44199 (216–522–4207).

SUPPLEMENTARY INFORMATION: On Friday, June 3, 1977, there was published in the FEDERAL REGISTER (42 FR 28550) a proposed consent agreement with analysis In the Matter of TRW Inc., a corporation, Addressograph-Multigraph Corporation, a corporation, and Horace A. Shepard, an individual, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart-Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; (15 U.S.C. 19).)

CAROL M. THOMAS,
Secretary.

[FR Doc.77-27801 Filed 9-22-77;8:45 am]

[1] Copies of the Complaint, and the Decision and Order filed with the original document.

Title 21—Food and Drugs

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

SUBCHAPTER B—FOODS FOR HUMAN CONSUMPTION

[Docket No. 77G–0100]

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

Subpart B—Listing of Specific Substances Affirmed as GRAS

FULLY HYDROGENATED RAPESEED OIL AND SUPERGLYCERINATED FULLY HYDROGENATED RAPESEED OIL

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule affirms that fully hydrogenated rapeseed oil and superglycerinated fully hydrogenated rapeseed oil are generally recognized as safe (GRAS) for use as direct human food ingredients in peanut butter and cake mixes respectively. This action is based on a petition requesting such affirmation.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Corbin Miles, Bureau of Foods (HFF–335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204 (202–472–4750).

SUPPLEMENTARY INFORMATION: In accordance with the procedures described in § 170.35 (formerly § 121.40, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), Procter & Gamble Co., Center Hill Road, Cincinnati, Ohio 45224, submitted a petition (GRASP 4G0036) requesting affirmation that fully hydrogenated rapeseed oil and superglycerinated fully hydrogenated rapeseed oil are generally recognized as safe (GRAS) for use in human food. A notice of the filing of this petition was published in the FEDERAL REGISTER of February 14, 1974 (39 FR 5674), and interested parties were given opportunity to review the petition and to submit comments to the Hearing Clerk, Food and Drug Administration. Inadvertently, the above notice failed to include superglycerinated fully hydrogenated rapeseed oil. An amended notice of filing to correct this omission was published in the FEDERAL REGISTER of November 13, 1975 (40 FR 52878). No comments were received in response to either notice.

Rapeseed oil is oil pressed from the seeds of the *napus* and *campestris* varieties of *Brassica* of the family Cruciferae. Fully hydrogenated rapeseed oil is a mixture of triglycerides with minor amounts of mono- and diglycerides in which the even carbon-numbered straight chain fatty acids range from C_{12} to C_{24}. It is made by hydrogenating refined and bleached rapeseed oil at 310–375° F, using a catalyst such as nickel, until the iodine number is 4 or less.

The superglycerinated fully hydrogenated rapeseed oil is a mixture of mono- and diglycerides with a minor amount of triglycerides. It is made by adding excess glycerol to the fully hydrogenated rapeseed oil and heating, in the presence of a sodium hydroxide catalyst, to 330° F under partial vacuum and steam sparging agitation.

The natural oil contains a high percentage of long chain fatty acids, 40 percent of which is unsaturated erucic acid. Experimental studies with erucic acid in rats have demonstrated that this unsaturated fatty acid is readily absorbed, accumulates in the heart and liver, and is the substance in rapeseed oil which is responsible for the observed fatty infiltration and degeneration of heart muscle. The hydrogenation converts the erucic acid to the saturated behenic acid which is poorly absorbed. As a result, the feeding of fully hydrogenated rapeseed oil and superglycerinated fully hydrogenated rapeseed oil to rats did not produce the aforementioned lipid accumulation and effects on the heart muscle. These data were published in the Journal of Nutrition, Vol. 104, No. 4, April 1974 in an article entitled "Effect of the Consumption of Glycerides Containing Behenic Acid on the Lipid Content of the Heart of Weanling Rats," by F. H. Mattson and J. A. Streck.

Fully hydrogenated rapeseed oil has been used in peanut butter, as a stabilizer and thickener component, at a maximum concentration of 2 percent of the weight of the finished peanut butter, since 1961. The petition indicates that this use results in product firmness and spreadability with no oil separation and improved flavor. Although a range of use levels between 0.3 percent and 3.5 percent in peanut butter is calculated in the patent (Flavor Improved Peanut Butter, Cornelius H. Japikse, U.S. Patent No. 3,265,507, August 9, 1966), the petition indicates that at levels above 2 percent, the product becomes harder, more difficult to spread and less attractive in appearance. Thus, the concentration of fully hydrogenated rapeseed oil for this product has an optimum use level of 2 percent. It is also indicated that the majority of peanut butter manufacturers in the United States using fully hydrogenated rapeseed oil use it in the concentration range of 0.3 to 2 percent.

Superglycerinated fully hydrogenated rapeseed oil has been used since 1957 in cake mix formulations as an emulsifier in shortening at a maximum concentration of 4 percent of the shortening or at 0.5 percent of the total weight of cake mix. The petition indicates that its use results in better incorporation of air during batter mixing of the cake mix, and provides such technical advantages in the finished cake as improved size, more uniform grain, better texture and eating quality, and superior crust contour and appearance.

After a comprehensive review of all data regarding the use of fully hydrogenated rapeseed oil and superglycerinated fully hydrogenated rapeseed oil, the Commissioner finds that:

1. Superglycerinated fully hydrogenated rapeseed oil is eligible for GRAS status based upon its common use in food in the United States prior to January 1, 1958. The ingredient is also eligible for GRAS status because sufficient safety data supporting the requested use of the ingredient have been published in the scientific literature.

2. Although fully hydrogenated rapeseed oil is not eligible for GRAS status based upon its common use in food in the United States prior to January 1, 1958, the ingredient is eligible for GRAS status because of the publication of sufficient safety data supporting the use requested

3. These substances are safe for the food uses requested by petitioner.

4. The substances perform the functional effects claimed by petitioner.

Accordingly, the Commissioner concludes, in accordance with § 184.1(c)(4), that uses and levels of use of fully hydrogenated rapeseed oil and superglycerinated fully hydrogenated rapeseed oil set forth in the petition are GRAS.

NOTE.—The Commissioner has carefully considered the environmental effects of this regulation and, because the action would not significantly affect the quality of human environment, has concluded that an environmental impact statement is not required. The Commissioner has carefully considered the inflation impact of this order, and has found that the action would not cause a major inflation impact as defined in OMB Circular A-107. Therefore, no inflation impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 184 is amended by adding new § 184.1555 as follows:

§ 184.1555 Rapeseed oil.

(a) *Fully hydrogenated rapeseed oil.* (1) Fully hydrogenated rapeseed oil is a mixture of triglycerides in which the fatty acid composition is a mixture of saturated fatty acids. The fatty acids are present in the same proportions which result from the full hydrogenation of fatty acids occurring in natural rapeseed oil. The rapeseed oil is obtained from the *napus* and *campestris* varieties of *Brassica* of the family Cruciferae. It is prepared by fully hydrogenating refined and bleached rapeseed oil at 310–375° F, using a catalyst such as nickel, until the iodine number is 4 or less.

(2) The ingredient meets the following specifications: Acid value not more than 6, arsenic not more than 3 parts per million, free glycerin not more than 7 percent, heavy metals (as Pb) not more than 10 parts per million, iodine number not more than 4, residue on ignition not more than 0.5 percent.

(3) The ingredient is used as a stabilizer and thickener as defined in § 170.3(o)(28) of this chapter in peanut butter. The use level of the ingredient is limited by good manufacturing practice (GMP) to the minimum amount required to produce the intended effect. Current good manufacturing practices result in a maximum level of 2 percent in peanut butter.

(b) *Superglycerinated fully hydrogenated rapeseed oil.* (1) Superglycerinated fully hydrogenated rapeseed oil is a mixture of mono- and diglycerides with triglycerides as a minor component. The fatty acid composition is a mixture of saturated fatty acids present in the same proportions as those resulting from the full hydrogenation of fatty acids in natural rapeseed oil. It is made by adding excess glycerol to the fully hydrogenated rapeseed oil and heating, in the presence of a sodium hydroxide catalyst, to 330° F under partial vacuum and steam sparging agitation.

(2) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972)[1] relating to mono- and diglycerides. An additional specification requires the iodine number to be 4 or less.

(3) The ingredient is used as an emulsifier as defined in § 170.3(o)(8) of this chapter in shortenings for cake mixes. The use level of the ingredient is limited by good manufacturing practice (GMP) to the minimum amount required to produce the intended effect. Current good manufacturing practices result in a maximum level, as served, of 4 percent of the shortening or 0.5 percent of the total weight of the cake mix.

Effective date: This order shall be effective September 23, 1977.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: September 16, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-27756 Filed 9-22-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction.

SUMMARY: This document contains corrections to the miscellaneous amendments to the Statement of Procedural Rules published at 42 FR 46518. These corrections are necessary to correct errors.

EFFECTIVE DATE: The corrections are effective September 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Waltuch of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3328 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On September 16, 1977, the FEDERAL REGISTER published (42 FR 46518) miscellaneous amendments to the Statement of Procedural Rules (26 CFR Part 601). The amendments were made necessary by statutory changes and miscellaneous changes of a technical nature.

NEED FOR CORRECTION

The full text of the miscellaneous amendments appears at 42 FR 46518. The text contains errors in paragraph (d)(2)(ii) of § 601.106 and paragraph (e)(19) of § 601.201.

DRAFTING INFORMATION

The principal author of these corrections was Robert Waltuch of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service.

CORRECTION OF FINAL REGULATIONS

Accordingly, FR Doc. 77-26943 (42 FR 46518) is amended as follows:

1. In paragraph (d)(2)(ii) of § 601.106 on page 46519, the word "addition" is deleted from the 20th line of that paragraph and the word "additional" is inserted in lieu thereof.

2. In paragraph (e)(19) of § 601.201 the word "agreements" is deleted from the 13th line on page 46520 and the word "arguments" is inserted in lieu thereof.

Dated: September 20, 1977.

ROBERT A. BLEY,
Director, Legislation and Regulations Division.

[FR Doc.77-27894 Filed 9-22-77;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 101—PROFESSIONAL STANDARDS REVIEW

Redesignation of PSRO Areas in Minnesota

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final regulation.

SUMMARY: This regulation redesignates Professional Standards Review areas in the State of Minnesota so that the previously designated Areas I and II are combined into a new Area I and the previously designated Area III is redesignated Area II. The redesignation will better assure the broad and diverse representation of all medical specialties necessary for effective peer review and will result in PSRO areas which better reflect the medical service areas in Minnesota.

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[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20037.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Joyce Somsak, (301-443-6477).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 18, 1974, the Department published regulations designating three PSRO areas within Minnesota. Area I consisted of 43 counties in the northern portion of the State. Area II consisted of seven counties surrounding Minneapolis-St. Paul (the Twin Cities). Area III consisted of 37 counties in the southern portion of the State. Soon after the original designation, the Minnesota State Medical Association requested that Areas I and II be merged and Area III be redesignated as Area II.

Regulations at 42 CFR 101.2 contain the guidelines for designation of PSRO areas and for redesignation when necessary. As stated in § 101.2(d):

> An area should, to the extent possible, coincide with a medical service area and assure broad, diverse representation of all medical specialties. Consideration should also be given to the location of existing medical centers and to natural geographic barriers.

The Minnesota State Medical Association's request was based on the fact that most of the secondary care received by the population of Area I is actually rendered in Area II. This is due partly to the prominence of the Twin Cities area as a medical center and the concentration of medical specialists there. Because the northern area is predominantly rural and the large majority of physicians in that area deliver primary care, the number of specialists is relatively small in comparison to the Twin Cities area. Moorhead and Duluth, the two principal cities in Area I with most of the specialists, are situated at opposite boundaries of the State. Major transportation routes lead to the Twin Cities, rather than between Moorhead and Duluth.

The convenience of transportation and the concentration of medical facilities and specialists thus encourage provision of secondary care in the Twin Cities area. Therefore, the Secretary concluded that the combination of Areas I and II would assure PSRO areas that more accurately coincide with the medical service areas in the State and assure broad and diverse representation of medical specialties within each area.

NOTICE OF PROPOSED RULEMAKING

On March 26, 1976, the Department published in the FEDERAL REGISTER (41 FR 13692) a Notice of Proposed Rulemaking to redesignate the areas in Minnesota by combining the present Areas I and II. The notice also proposed to transfer Big Stone County to the present Area III because that was the only county in Minnesota Health Service Area (HSA) VI to be excluded from the southern PSRO area.

A single response, favorable to the combining of Areas I and II, was received during the comment period. However, the West Central Minnesota Medical Society and individual physicians in Big Stone County have continued to object to having that County transferred to Area III.

RECONSIDERATION OF THE PROPOSAL TO TRANSFER BIG STONE COUNTY TO AREA III

Upon further consideration of the relationship of existing HSA and PSRO areas in Minnesota, it has been determined that the total congruence of HSA areas with PSRO areas is not necessary. Moreover, additional information, including referral patterns and distances between Big Stone County and the major cities in Areas I and II, indicates that Big Stone County is more appropriately considered a part of the medical service area of the new Area I rather than the new Area II. Accordingly, this aspect of the proposal is withdrawn. This regulation combines the previously designated Areas I and II, including Big Stone County, into a new Area I and the previously designated Area III is redesignated Area II.

AUTHORITY: Sec. 1102 of the Social Security Act, 49 Stat. 647 (42 U.S.C. 1302);

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Dated: August 31, 1977.

WILLIAM D. FULLERTON,
Acting Administrator, Health Care Financing Administration.

Approved: September 16, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Accordingly, 42 CFR 101.27 is amended to read as follows:

§ 101.27 Minnesota.

Two Professional Standards Review Organization areas are designated in Minnesota, composed of the following counties:

AREA I

Kittson.	Lake of the Woods.
Beltrami.	Polk.
St. Louis.	Cook.
Red Lake.	Mahnomen.
Hubbard.	Wadena.
Aitkin.	Anoka.
Ramsey.	Todd.
Mille Lacs.	Pine.
Stearns.	Sherburne.
Chisago.	Clay.
Wilkin.	Traverse.
Douglas.	Stevens.
Scott.	Koochiching.
Roseau.	Pennington.
Itasca.	Marshall.
Lake.	Clearwater.
Norman.	Crow Wing.
Cass.	Hennepin.
Carlton.	Morrison.
Washington.	Pope.
Kanabec.	Isanti.
Benton.	Becker.
Wright.	Grant.
Otter Tail.	Carver.
Dakota.	Big Stone.

AREA II

Swift.	Chippewa.
Meeker.	Renville.
Lincoln.	Redwood.
Sibley.	Le Sueur.
Goodhue.	Pipestone.
Cottonwood.	Blue Earth.
Steele.	Olmsted.
Rock.	Jackson.
Faribault.	Mower.
Houston.	Kandiyohi.
Lac Qui Parle.	McLeod.
Yellow Medicine.	Brown.
Lyon.	Rice.
Nicollet.	Murray.
Wabasha.	Waseca.
Watowan.	Winona.
Dodge.	Martin.
Nobles.	Fillmore.
Freeborn.	

[FR Doc.77-27497 Filed 9-22-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of DeSoto National Wildlife Refuge, Iowa, to Migratory Bird Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to migratory bird hunting of the DeSoto National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: November 1, 1977 through December 9, 1977, both dates inclusive.

FOR FURTHER INFORMATION CONTACT:

George Gage, Refuge Manager, DeSoto National Wildlife Refuge, R-1, Box 114, Missouri Valley, Iowa 51555, telephone AC 712-642-4142.

SUPPLEMENTARY INFORMATION:

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

Migratory game bird hunting is permitted on the DeSoto National Wildlife Refuge, Iowa, only on the area designated as open to hunting. This area, comprising about 355 acres, is delineated on maps available at the refuge headquarters and from the office of the Area Manager, Kansas City Area Office, 601 E. 12th St., Kansas City, Missouri 64106, telephone AC 816/758-5951. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Only waterfowl species (ducks, geese, coots) may be taken;

2. Shooting hours will be the same as for the regular state waterfowl season, with the exception that refuge hunting will stop at 12:00 noon each day;

3. All hunting will be by refuge permit only. Applications for a specific date will be accepted by mail or in person at refuge headquarters between the hours of 8:00

a.m.–5:00 p.m., Monday through Friday, through Saturday, September 24, 1977. A drawing to determine successful applicants will be held on Monday, September 26. Should openings remain following the drawing, reservations will be accepted on a first-come, first-serve basis on and after September 30, 1977. Reservations will not be accepted by telephone;

4. Individuals will be allowed only one reservation at any one time. When this is used, he may apply for an unfilled date;

5. Applicants for reservations must be at least 16 years of age or older. A $3.00 fee must accompany each request for a reservation and this must be in the form of a check or money order made payable to "U.S. Fish and Wildlife Service". Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the 3-man blinds. Each person will be charged a $1.00 blind-use fee when he registers to hunt;

6. Reservations are non-transferable and fees will not be refunded. No provision shall be made for "standby" hunters;

7. All hunters must hunt from refuge-constructed 3-man blinds only. Blinds will be assigned on a drawing basis each day of the hunt. All hunting will be from assigned blinds only with the exception that wounded birds may be pursued and shot within the shooting zone (within 40 yards of blind, as posted). Wounded birds may be pursued beyond this point up to the retrieved zone line (as posted), but guns must remain within the shooting zone;

8. Hunters will be required to check in and out at the refuge check station;

9. Permit holders must park in assigned parking lots within the hunting area. Non-refuge hunters may not use the refuge parking areas as access to private lands;

10. Hunters are allowed the use of decoys (personal or rented at check station) and retrieving dogs (one per hunter). Goose decoys, up to 3 dozen per blind, may be rented at the refuge check station at a charge of $1.00 per dozen. Hunters will be responsible for rented decoys and will be charged for any decoys lost or damaged;

11. Shotguns only will be permitted, capable of holding three shells or less;

12. Steel shot loads only will be allowed in the hunting area. These may be purchased at the refuge check station and will be available in 12-gauge only. Lead loads will not be allowed;

13. A maximum of 25 shells per hunter will be allowed per day.

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. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: September 6, 1977.

GEORGE E. GAGE,
Refuge Manager.

[FR Doc.77-27761 Filed 9-22-77;8:45 am]

PART 32—HUNTING

Opening of Kirwin National Wildlife Refuge, Kansas, to Upland Game Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to upland game hunting of Kirwin National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Pheasants—November 5, 1977, through January 8, 1978, inclusive; Quail—November 12, 1977, through January 15, 1978, inclusive; Rabbits and squirrels: Only on those days during the open season for the hunting of pheasants and quail.

FOR FURTHER INFORMATION CONTACT:

Keith S. Hansen, Kirwin, Kansas 67644. Telephone: 913-646-2373.

SUPPLEMENTARY INFORMATION:

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

Public hunting of pheasants, quail, cottontail rabbits, and fox squirrels on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, and fox squirrels. Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

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. The public is invited to offer suggestions and comments at any time.

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: September 7, 1977.

KEITH S. HANSEN,
Refuge Manager.

[FR Doc. 77-27762 Filed 9-22-77;8:45 am]

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

PART 255—FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

Redefinition of Fishing Vessel

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: The fishing vessel obligation guarantee program provides long-term (15 years) financing for fishing vessels by guaranteeing private credit representing up to 75 percent of the cost of vessel construction, reconstruction, or reconditioning. This document amends the definition of the term "fishing vessel" and will allow commercial vessels carrying fishing parties for hire to participate in the fishing vessel obligation guarantee program.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235 (202-634-7496).

SUPPLEMENTARY INFORMATION: Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271 et seq.) authorizes the U.S. Government to guarantee private loans financing the construction, reconstration, or reconditioning of certain domestic vessels. Guaranteed obligations may finance up to 37½ percent of actual construction cost and may have maturities up to 25 years. Eligible vessels are principally those used commercially in the coastwise trade, the foreign trade, the fishing trade, the intercoastal trade, or on the inland waters of the United States.

Title XI authority, vested entirely in the Department of Commerce, is nevertheless administered by two agencies within the Department. The Maritime Administration (MarAd) administers Title XI for all vessels but those in the fisheries trade, while the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA/NMFS) administers Title XI for all fisheries trade vessels. Commercial fishing vessels which operate with hired crews for the purpose of selling their catches into commercial distribution channels must be documented in the fisheries trade. Commercial passenger carrying fishing vessels which carry fishing parties for hire must be documented in the coastwise trade, but may additionally have dual documentation in the fisheries trade. Either way (either as fisheries trade vessels, coastwise trade vessels, or both) these types of vessel are eligible for guarantee under the existing Title XI authority.

NOAA/NMFS Procedures (50 CFR 255) governing administration of the fishing vessel program portion of the Title XI authority restrict that program to vessels documented solely in the fish-

eries trade. Since both regular commercial fishing vessels and commercial passenger carrying fishing vessels are within the agency mission of NOAA/NMFS, the FEDERAL REGISTER, June 27, 1977, proposed to change the NOAA/NMFS Title XI procedures to include within the program definition of a fishing vessel both regular commercial fishing vessels and commercial passenger carrying fishing vessels, provided the latter are documented dually in the coastwise and fisheries trade.

This does not expand the eligibility provision of Title XI itself, but merely establishes that a certain type of eligible coastwise trade vessel (i.e., commercial passenger carrying fishing vessels) which normally would have come under the MarAd Title XI program would instead come under the NOAA/NMFS fishing vessel portion of the Title XI program.

The proposal also specified that commercial passenger carrying fishing vessels to be included in the NOAA/NMFS program would be restricted to those certified by the U.S. Coast Guard to carry more than six passengers. Since the cost of vessel construction and equipment necessary to obtain that certification is considerable, this restriction was proposed as a practical way of assuring that only those passenger carrying fishing vessels which were used principally for commercial purposes would be qualified for guarantee (thus, excluding vessels used principally for private pleasure purposes, but sometimes used also for commercial passenger carrying fishing purposes).

The public was given until July 27, 1977, to comment on this proposal (even though public comment was not required to effect this change in program procedures). Many comments were received and most were favorable. The following is a brief analysis of the major unfavorable comments received.

One commentator objected to the proposal on the basis of a belief that this broadened the Title XI program's legislative authority to include a category of vessels not intended by the legislation. This is not the case, since commercial passenger carrying fishing vessels (as coastwise trade, fisheries trade, or both) are clearly eligible under the existing legislative authority.

Another commentator said that, although a significant minority of its membership was in favor of the proposal, the majority of its membership objected on the basis that adoption of the proposal might lead to increased fishing pressure on fisheries resources which had been depleted by overfishing. There are two existing means of preventing the occurrence about which this commentator is concerned. First, a mechanism exists (50 CFR 251) to restrict all NOAA/NMFS fisheries financial assistance programs (including the Title XI program, in fisheries where there is a chance that they might contribute to undesirably excessive overcapitalization. Second, the Fishery Conservation and Management Act of 1976 authorizes the limitation of access to a fishery under certain circumstances in order to achieve optimum yield.

Another commentator endorsed the proposal, but also pointed out the problem of certain overcapitalized fisheries. NOAA/NMFS fisheries financial assistance programs (including that under Title XI) has already been restricted under 50 CFR 251 in the fishery about which this commentator was concerned.

Another commentator endorsed the proposal as it applies to "charter boats" and "party boats," but objected to it if it applied to "sportfishing boats." The proposal, both as originally proposed and in the form which will be adopted, excludes private vessels used principally for pleasure as opposed to the commercial use of carrying fishing parties for hire. We believe this exclusion adequately makes the distinction between "sportfishing boats" on the one hand and "charter boats" and "party boats" on the other hand about which this commentator was concerned.

Other commentators endorsed the proposal in general, but objected to the exclusion of commercial passenger carrying fishing vessels which were not certified to carry more than six passengers. Their point was that many legitimate commercial passenger carrying fishing vessels operated in situations where less than six passengers are carried and, thus, had no need of a certification for six or more passengers. This is true, and this amendment of procedures will recognize the validity of this comment by providing that, although those vessels having the Coast Guard certification will be automatically qualified as far as commercial usage is concerned, those vessels not having such certification may also qualify upon a satisfactory demonstration that their use is primarily commercial.

Existing rules governing administration of Fishing Vessel Obligation Guarantee program procedures appear in 50 CFR 255. The program is authorized by Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279).

The amendment follows:

Substitute the following for § 255.1(a).

§ 255.1 Definitions.

* * * * *

(a) *Fishing vessel.* This term means vessels licensed by the U.S. Coast Guard for operation in the fisheries. The term also includes vessels which process or transport fisheries products, regardless of their licensed trade. Vessels which are licensed both in the fisheries and the coastwise trade must have a U.S. Coast Guard certificate of inspection (under 46 CFR 176) for carrying more than six passengers or demonstrate to the Secretary's satisfaction that the vessel's commercial passenger carrying fishing operations will constitute its primary activity.

* * * * *

Dated: September 21, 1977.

T. P. GLEITER,
Assistant Administrator for Administration.

[FR Doc.77-27980 Filed 9-22-77;8:45 am]

Title 49—Transportation

CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[OST Docket No. 51]

PART 609—TRANSPORTATION FOR ELDERLY AND HANDICAPPED PERSONS

Amendment to Reflect Transbus Mandate

AGENCY: Urban Mass Transportation Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This regulation amends the Urban Mass Transportation Administration (UMTA) regulations on transportation for elderly and handicapped persons to reflect the Secretary of Transportation's recent decision to mandate the use of a Transbus specification after September 30, 1979, for all new, standard-size buses acquired with assistance from UMTA. The Transbus specification is the result of a major UMTA research project to develop an improved transit bus that would attract mass ridership, be accessible to those elderly and handicapped persons for whom the high floors and stairs of current buses provide serious obstacles, and encourage continued competition among the manufacturers of transit buses.

EFFECTIVE DATE: This amendment is effective September 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph Marshall, Acting Director, Office of Public Affairs, Urban Mass Transportation Administration, 400 7th Street SW., Washington, D.C. 20590 (202-426-4043).

SUPPLEMENTARY INFORMATION: The purpose of this document is to amend the UMTA regulations on transportation for elderly and handicapped persons to reflect the Secretary of Transportation's recent decision to mandate Transbus. This amendment is necessary to give members of the general public not already aware of the Secretary's decision including manufacturers, transit authorities, and the elderly and handicapped community official notice of the Transbus mandate. This amendment is also necessary to make the Transbus mandate part of UMTA's existing regulations on transportation for elderly and handicapped persons.

The Department of Transportation (DOT) held a public hearing on Transbus on March 15, 1977 after publishing a notice in the FEDERAL REGISTER inviting interested persons either to attend that hearing or to submit written comments on or before April 1, 1977. See 42 FR 9654 (February 16, 1977). After reviewing all submitted materials, the Secretary announced his decision to mandate Transbus on May 19, 1977. A decision paper describing the Secretary's reasons for mandating Transbus is available by writing the Office of Public Affairs, Urban Mass Transportation Administra-

tion, 400 7th Street SW., Washington, D.C. 20590.

The Transbus mandate will take the form of requiring the use of a Transbus specification for all new, standard-size buses acquired with assistance from UMTA. The mandate applies to all procurements containing vehicle specifications approved by UMTA issued for bid after September 30, 1979. The specifications include a requirement for a stationary floor height of not more than 22 inches, for an effective floor height including a kneeling feature of not more than 18 inches, and for a ramp for boarding and exiting.

Drafting information: The principal persons involved in drafting this amendment are Robert W. Batchelder and Michael S. Bates, UMTA Office of the Chief Counsel.

Accordingly, 49 CFR Part 609 is amended by revising § 609.15 (a) through (c) as set forth below.

Issued in Washington, D.C., on September 9, 1977.

RICHARD S. PAGE,
Urban Mass Transportation Administrator.

49 CFR Part 609 is amended by revising § 609.15 (a) through (c) to read as follows:

§ 609.15 Buses.

(a) Effective with procurement solicitations containing UMTA-approved specifications issued after September 30, 1979, UMTA grantees may procure new, standard, full-size urban transit buses only if the procurement solicitation utilizes the effective version of UMTA's bid package entitled "Transbus Procurement Requirements." The technical specifications section of that package requires a stationary floor height of not more than 22 inches, an effective floor height including a kneeling feature of not more than 18 inches, and a ramp for boarding and exiting. The design requirements contained in that bid package rather than the design requirements listed below will apply to such procurements.

(b) Paragraph (c) through (i) of this section apply to new, standard, full-size urban transit buses (of current or advanced design) for which an UMTA grantee issues a procurement solicitation containing UMTA-approved vehicle specifications on or before September 30, 1979. In addition to the vehicles described in the above sentence, paragraphs (d) through (i) of this section also apply to all other new transit buses exceeding 22 feet in length for which an UMTA grantee issues a procurement solicitation containing UMTA-approved vehicle specifications. After September 30, 1979, the design requirements in paragraphs (d) through (i) below will apply only to these other transit buses. For any new transit buses exceeding 22 feet in length except new, standard, full-size urban transit buses, any requirements concerning wheelchair accessibility will be handled on a case-by-case basis as part of the project approval process.

(c) Wheelchair accessibility option: Procurement solicitations issued on or before September 30, 1979 containing UMTA-approved vehicle specifications for new, standard, full-size urban transit buses (of current or advanced design) shall provide for a bus design which permits the addition of a wheelchair accessibility option and shall require an assurance from each bidder that it offers a wheelchair accessibility option for its buses. The term "wheelchair accessibility option" means a level change mechanism (e.g., lift or ramp), sufficient clearances to permit a wheelchair user to reach a securement location, and at least one wheelchair securement device.

* * * * *

(Secs. 5 and 16, Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604, 1612); sec. 165(b), Federal-Aid Highway Act of 1973, as amended (23 U.S.C. 142 nt.); sec. 504, Rehabilitation Act of 1973 (29 U.S.C. 794); 49 CFR 1.51.)

[FR Doc.77-28020 Filed 9-22-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES & REGULATIONS

[Service Order No. 1248-A]

PART 1033—CAR SERVICE

Norfolk and Western Railway Company Authorized To Operate Over Tracks of Burlington Northern Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1248-A).

SUMMARY: Service Order No. 1248 authorized the Norfolk and Western Railway to operate over tracks of the Burlington Northern Inc., along the west bank of the Mississippi River between Hannibal, Missouri and Quincy, Illinois, via West Quincy, Missouri in place of a similar operation over tracks along the east bank of the river, because of deterioration of the east bank line. Permanent authority to operate over the west bank line has been granted to the Norfolk and Western in Finance Docket No. 28387, Norfolk and Western Railway Company, Trackage Rights, Burlington Northern Inc. Service Order No. 1248-A vacates Service Order No. 1248.

DATES: Effective 11:59 p.m., September 20, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board held in Washington, D.C., on the 20th day of September, 1977.

Upon further consideration of Service Order No. 1248 (41 FR 31222; 42 FR 6371 and 39221), and good cause appearing therefor:

It is ordered, That: § 1033.1248. Norfolk and Western Railway Company Authorized to Operate Over Tracks of Burlington Northern Inc., is vacated effective 11:59 p.m., September 20, 1977.

(49 U.S.C. 1, 12, 15 and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 order shall 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, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-27895 Filed 9-22-77;8:45 am]

[Ex Parte No. 55; Sub-No. 14]

PART 1100—GENERAL RULES OF PRACTICE

Amendment To Rule 247 of the General Rules of Practice

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This document notifies the public of the discontinuance of this proceeding and of a minor modification in the Commission's Rules of Practice with respect to the recently promulgated format requirements for evidentiary filings pursuant to 49 CFR 1100.247(F)(3).

EFFECTIVE DATE: October 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, (202-275-7292).

SUPPLEMENTARY INFORMATION: On December 9, 1976, we published a notice of continued proposed rulemaking in this proceeding in the FEDERAL REGISTER. The proposal for consideration in this proceeding would require the filing of verified statements in applications for operating authority within a specified period of time from the date of the application's publication in the FEDERAL REGISTER. Comments were received from a broad spectrum of the motor carrier industry and carrier legal representatives. Also submitted were two separate pleadings from a group of six carriers and from the Motor Carrier Lawyers' Association seeking amendment of the format requirements recently promulgated at 49 CFR 1100.247(f)(3).

We have considered the proposal in light of the comments received. In addition, circumstances have intervened which, we believe, make promulgation of the proposal in this proceeding unwarranted. On June 2, 1977, a Staff Task Force was established for the purpose of investigating the Commission's present day administration of the Interstate Commerce Act, particularly as it relates to motor carriers, and recommending improvements in motor carrier regulation. In its report, issued July 6, 1977, the Staff Task Force made 39 specific recommendations for improving regulation including matters relating to policy, practice, and procedure. The Commission is now conducting a series of six coast-to-coast hearings designed to elicit public comments, criticisms, and suggestions concerning the Staff Task Force report and other motor carrier entry areas.

We believe that the framework established in the Staff Task Force report and the opportunities for the public to comment on the report provide an effective alternative to promulgation of the proposal. The forthcoming hearings will permit the greatest possible participation in the developmental stages of Commission policy and procedure and will be conducive to fulfillment of the Commission's desire to make itself available as a public forum within which new ideas can be generated and old policies and procedures can be discussed and improved. In addition, full opportunity for formal comment will be provided in any proceeding instituted as a result of the Task Force Report. Accordingly, this proceeding is discontinued.

With respect to the separate petitions of the MCLA and the six motor carriers to have the Commission rearrange the order of the criteria listed for verified statements as reflected in 49 CFR 1100.247(f)(3), we have examined the reasons for these requests and feel that a slight rearrangement and correction of the order and requirements of the paragraph headings (by requiring a certificate of service in applicant's and supporting statements, and by switching around the order of the paragraph headings in the supporting statements) would more adequately set forth each element of proof so as to achieve maximum effectiveness.

These rules are issued under the authority of 49 U.S.C. 304, 306, 307, 309, 311, 904, 909, 1003, and 1010, and 5 U.S.C. 553.

H. G. Homme, Jr.,
Acting Secretary.

Accordingly, the following amended rule 247(f)(3) of the Commission's Rules of Practice [49 CFR 1100.247(f)(3)] has been adopted:

§ 1100.247 Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section 206(a)(6) relating to Certificates of Registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and by freight forwarders under section 410 of the Interstate Commerce Act, and certain other procedural matters with respect thereto. (Rule 247)

* * * * *

(f) * * *

(3) *Contested proceedings.* In those contested proceedings in which the Commission determines that assignment of an application for oral hearing is unnecessary, thereafter the procedure shall be in accordance with rules 43(b), 44(b), and 45-52, inclusive, of the General Rules of Practice, except that: (i) Only the original and one copy of any statement made pursuant to rule 49 need be filed with the Commission, and (ii) that the statements to be submitted under rule 47 shall follow the format which is enumerated immediately below. The verified statements to be submitted by applicant (including those of supporting parties) and by protestants under Special Rule 247 shall be prepared in separately numbered and titled paragraphs so as to present the evidence in accordance with the format described immediately hereafter (and in appropriate appendixes as needed). All other contested proceedings which are subject to these rules will be assigned for oral hearing unless other procedures are ordered.

VERIFIED STATEMENT OF APPLICANT

I. Legal name and domicile of carrier.
II. Identity and qualifications of testifying witness.
III. Authority sought.
IV. (A) General scope of presently authorized operations (attach copies of pertinent operating rights).
(B) Duplicating authority resulting from grant of application.
(C) Dual operations resulting from grant of application.
(D) Affiliation with other carriers and persons affiliated with carriers (indicate pertinent MC numbers and docket numbers of finance proceedings; identify common and contract carriers as such).
V. Pertinent terminal facilities and communications network.
VI. Pertinent equipment.
VII. Safety program.
VIII. Service now provided to supporting witnesses.
IX. Type of service offered (e.g., LTL, bulk, multiple delivery, et cetera).
X. Financial data (current balance sheet and income statement).
XI. Feasibility of operation; environmental impact.
XII. Any other information deemed pertinent by the witness.
XIII. Argument.
XIV. Verification.
XV. Certificate of Service and list of all parties names and addresses.

VERIFIED STATEMENT IN SUPPORT OF APPLICATION

I. Legal name and domicile of supporting party or firm.
II. Identity and qualifications of testifying witness.
III. General description of supporting party and/or operations.
IV. Specific description of commodities applied for.
V. Volume and frequency of traffic (poundage, truckloads, et cetera).
VI. Amount of traffic to be tendered applicant.
VII. Specific and/or representative origins and destinations.
VIII. How the traffic now moves.
IX. Type of service required (bulk, LTL, multiple delivery, et cetera).
X. Existing services and deficiencies.
XI. Similar applications supported (pertinent docket numbers).
XII. Any other information deemed pertinent by the witness.
XIII. Argument.
XIV. Verification and certificate of service.

VERIFIED STATEMENT OF PROTESTANT

I. Legal name and domicile.
II. Identity and qualifications of testifying witness.
III. Specific pertinent conflicting authority.
IV. Pertinent terminals and communications network.
V. Pertinent equipment.
VI. Type of service offered (LTL, bulk, interline, et cetera).
VII. Traffic subject to diversion if application granted. (a) service provided for supporting party or firm; (b) service provided for other parties within scope of application.
VIII. Any other information deemed pertinent by the witness.
IX. Argument.
X. Verification and certificate of service.

Requests for extension or modification of the time limits within which these statements are due to be filed [or as enumerated in Rules 49 and 247(f)(1) of the General Rules of Practice, 49 CFR 1100.49 and 1100.247(f)(1)] will be granted only in extraordinary circumstances.

* * * * *

[FR Doc.77-27973 Filed 9-22-77;8:45 am]

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 AGRICULTURE

Food Safety and Quality Service

[9 CFR Part 381]

IMPORTATION OF POULTRY AND POULTRY PRODUCTS

Notice of Proposed Rulemaking

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes the addition of Israel to the list of countries from which poultry products of chickens, turkeys, ducks, geese, and guineas may be imported into the United States. Reviews of the export poultry inspection program of Israel indicate that it is acceptable under the Poultry Products Inspection Act.

DATE: Comments must be received on or before November 23, 1977.

ADDRESSES: Written comments to Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. Oral comments to Dr. H. M. Steinmetz, 202–447–7610.

FOR INFORMATION ON COMMENTS, SEE SUPPLEMENTARY INFORMATION.

FOR FURTHER INFORMATION CONTACT:

Dr. H. M. Steinmetz, Director, Foreign Programs Staff, Field Operations, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, Area Code 202–447–7610.

SUPPLEMENTARY INFORMATION:

COMMENTS

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Hearing Clerk. Comments should bear a reference to the date and page number of this issue of the FEDERAL REGISTER. Any person desiring opportunity for oral presentation of views must make such request to Dr. H. M. Steinmetz so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business.

BACKGROUND

Section 17 of the Poultry Products Inspection Act (21 U.S.C. 466) prohibits the importation into the United States of slaughtered poultry, or parts or products thereof, unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative, or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and unless they also comply with the rules and regulations made by the Secretary of Agriculture to assure that imported poultry or poultry products comply with the standards provided for in this Act. Section 381.196 of the regulations (9 CFR 381.196) provides that poultry inspection maintained by the foreign country, with respect to establishments preparing products in that country for export to the United States, must insure compliance of such establishments and their poultry products with requirements at least equal to all the provisions of the Act and the regulations that are applied to official establishments in the United States and their poultry products. In addition, for approval to export poultry and poultry products to the United States, the requirement that reliance can be placed upon certificates required under the regulations from authorities in the applying countries must also be met. Such articles from approved establishment in the countries listed in § 381.196 (b) are eligible for importation into the United States as provided in the regulations.

The laws and regulations of Israel concerning these matters have been reviewed and appear to be at least equal to the provisions of the Poultry Products Inspection Act and the regulations thereunder. Further, on-site reviews of the export poultry inspection program of Israel indicate that it is equal to our program in the United States. Certificates issued by Israeli officials for export of poultry products to the United States are reliable.

Accordingly, it is proposed that § 381.196(b) of the poultry products inspection regulations be amended to include Israel as a country which is eligible to import poultry products under Part 381, Title 9 of the poultry products inspection regulations.

Although a foreign country may be listed as approved for importation of poultry products under the Act and regulations, the poultry products of such foreign country must also comply with other Federal laws including restrictions under Title 9, Part 94 of the Animal and Plant Health Inspection regulations (9 CFR Part 94) relating to the importation of poultry and poultry products from foreign countries into the United States whose poultry flocks are infected with viscerotropic velogenic Newcastle disease (VVND). Section 94.6 of Title 9 (9 CFR 94.6) restricts the entry of poultry products into the United States from countries where viscerotropic velogenic Newcastle disease exists. Newcastle disease exists in Israel and, therefore, only those poultry products which meet the restrictions and conditions specified in § 94.6 actually will be allowed entry into the United States.

NOTE.—The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Done at Washington, D.C., on September 15, 1977.

Dated: September 15, 1977.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.

[FR Doc.77-27904 Filed 9-22-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

MANDATORY PETROLEUM PRICE REGULATIONS—EXCHANGES

Proposed Rulemaking; Public Hearing

AGENCY: Federal Energy Administration.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend the Mandatory Petroleum Price Regulations to price petroleum products received in exchanges. Exchanges are agreements between refiners, resellers, and retailers of petroleum products to give away one petroleum product in return for another product.

The purpose of the proposed amendments regarding exchanges is to state in the regulations the general FEA compliance policy regarding the method for determining the increased costs attributable to petroleum product exchanged, making clear that decontrol actions have not modified that policy.

DATES: Comments by October 11, 1977, 4:30 p.m.; Requests to speak by September 29, 1977, at 4:30 p.m.; Hearing Date: October 13, 1977, 9:30 a.m.

ADDRESSES: Comments and requests to speak to: Executive Communications, Room 3317, Federal Energy Administration, Box PD, Washington, D.C. 20461; Hearing location: Room 2105, 2000 M Street N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street N.W., Room 2214B, Washington, D.C. 20461, (202-254-5201).

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, (202-566-9833).

Daniel J. Thomas (Program Office), 2000 M Street NW., Room 2310, Washington, D.C. 20461, (202-254-7477).

Jeffrey C. Conrad (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, (202-566-2087).

SUPPLEMENTARY INFORMATION:

I. Introduction.
II. Petroleum Products.
A. Refiners.
1. The Product Exchange Factor.
2. Treatment of Cash Differential.
3. Time Exchanges.
B. Resellers and Retailers.
III. Crude Oil.
IV. Request for Comments.
V. Comment Procedures.

I. Introduction

FEA understands that it is an established practice for refiners, resellers or retailers ("firms") to exchange volumes of crude oil or volumes of one or more types of refined petroleum products ("products") pursuant to written or oral contracts ("exchange agreements").

The crude oil or products exchanged pursuant to an exchange agreement may be of equal or unequal volumes. Where the firms effect an equal volume exchange and where the relative values of the crude oil or products exchanged are unequal, a cash payment by the firm that provides the lesser valued product is usually included to offset the value differential. For example, firm A refines 100 gallons of gasoline which it values at $35. Firms A and B enter an equal volume exchange in which firm A provides 100 gallons of gasoline to firm B and receives 100 gallons of No. 2 oils that it values at $33. As part of the exchange agreement, firm A might obtain a $2 cash differential from firm B in addition to the No. 2 oils received.

FEA refiner price regulations in § 212.83 provide a method of allocating increased costs to the products that are subject to price regulations and permit the passthrough of such costs in the prices of such products. The regulations do not, however, explicitly provide for the allocation to prices of products received in an exchange of increased costs attributable to products given up in that exchange or for the adjustment of increased costs to reflect the payment and receipt of cash pursuant to exchange agreements. The reseller and retailer price regulations likewise contain no express provisions for accounting for exchanges.

FEA's compliance policy regarding product exchanges, based on the principles stated in the crude oil allocation regulations and underlying the price regulations, has been to require the total amount of increased costs attributable to the total amount of product exchanged away pursuant to an exchange agreement, plus or minus the cash paid or received pursuant to the exchange agreement, to be subtracted from the costs allocable to the remaining product of the type that was exchanged away and to permit such costs to be allocated the petroleum product received in the exchange.

Thus, FEA regulations provide in § 211.67(g) for purposes of caculating the number of barrels of crude oil included in the total volume of a refiner's crude oil runs to stills for entitlements purposes in a given month, that

> [a]ny volumes of domestic crude oil exchanged away * * * pursuant to [an] exchange * * * shall be considered as having been retained by the refiner or other firm that has so exchanged * * * such volumes, regardless of the volume of crude oil received or purchased by that refiner or other firm in such exchange * * *.

Accordingly, a refiner's entitlements position is determined as though the crude oil exchanged away pursuant to an exchange agreement had never been given up, because the volume and cost of the crude oil exchanged away are attributed to the crude oil received in the exchange.

FEA's actions taken with respect to the decontrol of petroleum products have not altered the basic principle of imputing increased costs attributable to crude oil or product exchanged away to crude oil or products received in the exchange, and FEA does not intend in this proceeding to alter this basic principle. The regulations proposed in this proceeding would specifically provide for the allocation to products received in the exchange of increased costs attributable to the products given up in the exchange. For refiners, this would be accomplished by the addition of a new "x," term to the refiners price formulae, and for resellers and retailers by an amendment to the definition of "increased product costs." Comments are solicited on the proper treatment of exchange of crude oil for crude oil.

II. Petroleum Products

A. *Refiners.* The regulations proposed today provide a specific method to be used by refiners to compute the price of products received in an exchange: the "Cost Allocation Method."

The cost allocation method would add an additional term, "*Xi*", to the refiners price formulae and would require refiners that exchange products to allocate the increased crude oil and non-product costs attributable by the formulae in the month of measurement to the products exchanged away (whether exempt or covered) to the products received in the exchange.

Any cash differential (i.e., where cash is paid or received by a refiner pursuant to an exchange agreement) would be added to the increased costs attributable to the specific product received by a refiner making the cash payment and would be deducted from the increased costs attributable to the specific product received by a refiner receiving the cash payment.

1. *The product exchange factor.* The amendment proposed today would require that, in accounting for exchanges, each refiner include in a new "*Xi*" factor of the refiners price formulae for the product of the type "*i*" received, the share of increased crude oil costs ("*Ai*") and increased non-product costs ("*Ni*") attributable to the product that is exchanged away, and would require a corresponding reduction in such costs. Any cash differential would be treated under the "*P*" term of the "*X*" factor.

Pursuant to the proposed method of cost allocation, the refiner would allocate to the product received in the month of measurement increased costs volumetrically allocated to the product exchanged away. FEA proposes an amendment to provide that the share of increased costs attributable to a refined product of the type "*i*" exchanged away shall equal the total of: the month of measurement increased crude oil costs and increased non-product costs volumetrically attributable to the product of the type "*i*" exchanged away, separately multiplied by the ratio of the volume of product of the type "*i*" exchanged away in the month of measurement, "$R_i{}^e$," to the volume of that product refined in the month of measurement "$R_i{}^r$," i.e.,

$$A_i{}^t\left(\frac{R_i{}^e}{R_i{}^r}\right)+N_i{}^t\left(\frac{R_i{}^e}{R_i{}^r}\right)$$

For example, assume that refiner A refines 10,000 gallons of products, including 4,000 gallons of No. 2 oils and 5,000 gallons of gasoline in the month of measurement and incurs $2,000 increased crude oil costs and $500 increased non-product costs attributable to those 10,000 gallons. Pursuant to the refiner price regulations, refiner A is permitted to pass through $1,250 of the $2,500 of increased costs in the prices of the 5,000 gallons of gasoline:

$$A_i{}^t=Q^t\left(\frac{C^t}{Q^t}-\frac{C^*}{Q^*}\right)\left(\frac{R_i{}^t}{R^t}\right)$$

$\$2{,}000\left(\frac{5{,}000\text{ gals.}}{10{,}000\text{ gals.}}\right)$ equals $1,000 increased cost of crude oil

$$N_i{}^t=E^t\left(\frac{R_i{}^t}{R^t}\right)$$

$\$500\left(\frac{5{,}000\text{ gals.}}{10{,}000\text{ gals.}}\right)$

equals $250 increased non-product costs. $1,000 (increased crude oil costs) plus $250 (increased non-product costs) equals $1,250. $1,000 ($800 increased crude oil costs and $200 increased non-product costs as calculated above) of the $2,500 of increased costs are attributable to the 4,000 gallons of No. 2 oils.

However, if refiner *A*, pursuant to an exchange agreement with refiner *B*, exchanges 1,000 gallons of gasoline refined by refiner *A* for 1,070 gallons of No. 2 oils refined by refiner *B*, the $250 of increased costs volumetrically attributable to the volumes of gasoline exchanged away should be allocated to the 1,070 gallons of No. 2 oils received in the exchange (i.e., to the refiner *A*'s increased costs for No. 2 oils) which cannot be passed through on covered products. The $250 portion of increased costs attributable to the volume of gasoline exchanged away in this example would be determined as follows:

$$\left(\begin{array}{c}\text{(total of increased crude oil and non-product costs volumetrically allocated to the product of the type ``}i\text{'' where ``}i\text{'' equals the type of product exchanged away)}\end{array}\right)\left(\frac{\text{(volume of the product of the type ``}i\text{'' exchanged away)}}{\text{(volume of the product of the type ``}i\text{'' refined)}}\right)$$

$$\$1{,}250\left(\frac{1{,}000\text{ gals.}}{5{,}000\text{ gals.}}\right)$$

equals $250 attributable to the 1,000 gallons of gasoline exchanged away.

Where a refiner receives more than one specific product, the amendment proposed today would require that refiners treat such exchanges as separate exchange transactions. For example, a refiner exchanging a volume of product "*a*" for volumes of products "*b*" and "*c*" would treat such an exchange as two exchanges; one exchange equal to a portion of the volume of product "*a*" calculated on the basis of an exchange ratio between product "*a*" and "*b*" for the volume of product "*a*" for the volume of change equal to the remainder of the volume of product "*a*" for the volume of product "*c*". Accordingly, the increased costs attributable to the volume of product "*a*" exchanged for the product "*b*" would be allocated to the "X_i" factor for the volume of product "*b*" received. The increased costs attributable to the volume of the product "*a*" exchanged for the product "*c*" would be reallocated to the "X_i" factor for the volume of product "*c*" received.

The following examples illustrate the allocation under the "X_i" factor of increased costs attributable to retired products exchanged away to refined product received.

For purposes of these examples, assume that *A* refined 2,000 gallons of gasoline and 2,000 gallons of residual fuel oil in the month of measurement, and *B* refined 3,000 gallons of residual fuel oil and 4,000 gallons of No. 2 oils in the month of measurement. (Both residual fuel oil and No. 2 oils are currently exempt from refiner price regulations.)

Example 1. Refiner *A* exchanges 1,500 gallons of gasoline for 1,605 gallons of No. 2 oils from refiner *B*. During the month or measurement, refiner *A* incurred $640 of increased crude oil costs and $160 of increased non-product costs attributable to 2,000 gallons of gasoline. During the month of measurement, refiner *B* incurred $1,112 of increased crude oil costs and $288 of increased non-product costs attributable to 4,000 gallons of No. 2 oils. Inasmuch as there is no cash differential involved in this example, the "*P*" term of the "X_i" factor equals zero.

Refiner A—

Refiner *A* would reduce increased crude oil costs by $480 and increased non-product costs by $120 for motor gasoline and would allocate the total $600 of increased costs attributable to gasoline to the No. 2 oils.

$$\text{``}X_i\text{''}=A_i{}^t\left(\frac{R_i{}^e}{R_i{}^t}\right)+N_i{}^t\left(\frac{R_i{}^e}{R_i{}^t}\right)\pm P$$

$$\text{``}X_i\text{''}=\$640\left(\frac{1{,}500\text{ gals.}}{2{,}000\text{ gals.}}\right)+\$160\left(\frac{1{,}500\text{ gals.}}{2{,}000\text{ gals.}}\right)\pm O$$

$$\text{``}X_i\text{''}=\$480+\$120=\$600.$$

Refiner B—

Refiner *B* would allocate $562 increased costs ($446 increased crude oil costs and $116 increased non-product costs) attributable to No. 2 oils to the "X_i" factor for gasoline.

$$\text{``}X_i\text{''}=A_i{}^t\left(\frac{R_i{}^e}{R_i{}^t}\right)+N_i{}^t\left(\frac{R_i{}^e}{R_i{}^t}\right)\pm P$$

$$\text{``}X_i\text{''}=\$1{,}112\left(\frac{1{,}605\text{ gals.}}{4{,}000\text{ gals.}}\right)+\$288\left(\frac{1{,}605\text{ gals.}}{4{,}000\text{ gals.}}\right)\pm O$$

$$\text{``}X_i\text{''}=\$446+\$116=\$562.$$

Example 2. Pursuant to an exchange agreement between refiner *A* and refiner *B*, assume that refiner *A* exchanges away 1,500 gallons of gasoline and receives 800 gallons of No. 2 oils and 1,000 gallons of residual fuel oil. During the month of measurement, refiner *A* incurred $640 increased crude oil costs and $160 increased non-product costs to refine 2,000 gallons of gasoline. During the month of measurement, refiner *B* incurred $1,112 increased crude oil costs and $288 increased non-product costs to refine the 4,000 gallons of No. 2 oils and $392 increased crude oil costs and $108 increased non-product costs to refine 3,000 gallons of residual fuel oil.

This transaction would be treated as two separate exchanges: the exchange of 667 gallons of gasoline for 800 gallons of No. 2 oils and the exchange of 833 gallons of gasoline for 1,000 gallons of residual fuel oil.

Volume of Gasoline Exchanged for No. 2 Oils

Gals. gasoline exchanged away=gals. No. 2 oils received times the exchange ratio

$$\text{gals. gasoline } 1{,}500 \text{ gals.} \left(\frac{800 \text{ gals. No. 2}}{1{,}800 \text{ total gals. received}}\right)$$

Gals. gasoline=667 gals.

Volume of Gasoline Exchanged for Residual Fuel Oil

Gals. gasoline exchanged away=gals. residual fuel oil times the exchange ratio

$$\text{gals. gasoline}=1{,}500 \text{ gals.} \left(\frac{1{,}000 \text{ gals. residual fuel oil}}{1{,}800 \text{ total gals. received}}\right)$$

Gals. gasoline=833 gals.

Refiner A—

Refiner *A* would reduce increased crude oil costs by $213 and increased non-product costs by 53 pct for gasoline and would allocate the total $266 increased costs attributable to gasoline to No. 2 oils. No portion of the $266 could be allocated to any other product.

$$"X_i"=A_i{}^i\left(\frac{R_i{}^a}{R_i{}^i}\right)+N_i{}^i\left(\frac{R_i{}^a}{R_i{}^i}\right)\pm P$$

$$"X_i"=\$640\left(\frac{667 \text{ gals.}}{2{,}000 \text{ gals.}}\right)+\$160\left(\frac{667 \text{ gals.}}{2{,}000 \text{ gals.}}\right)\pm O$$

$$"X_i"=\$213+\$53=\$266.$$

Refiner A—

Refiner *A* would reduce increased crude oil costs by $267 and increased non-product costs by $67 for gasoline and would allocate the total $334 increased costs attributable to gasoline to residual oil. No portion of the $334 could be allocated to any other product.

$$"X_i"=A_i{}^i\left(\frac{R_i{}^a}{R_i{}^i}\right)+N_i{}^i\left(\frac{R_i{}^a}{R_i{}^i}\right)\pm P$$

$$"X_i"=\$640\left(\frac{833 \text{ gals.}}{2{,}000 \text{ gals.}}\right)+\$160\left(\frac{833 \text{ gals.}}{2{,}000 \text{ gals.}}\right)\pm O$$

$$"X_i"=\$267+\$67=\$334$$

Refiner B—

Refiner *B* would allocate to the gasoline received $280 increased costs ($222 increased crude oil costs and $58 increased non-product costs) attributable to No. 2 oils and would allocate $167 increased costs ($131 increased crude oil costs and $36 increased non-product costs) attributable to residual fuel oil, for a total allocation of increased costs of $447 to the gasoline. No amount of the $447 could be allocated to any other product.

Increased costs attributable to No. 2 Oils—

$$"X_i"=A_i{}^i\left(\frac{R_i{}^a}{R_i{}^i}\right)+N_i{}^i\left(\frac{R_i{}^a}{R_i{}^i}\right)\pm P$$

$$"X_i"=\$1{,}112\left(\frac{800 \text{ gals.}}{4{,}000 \text{ gals.}}\right)+\$288\left(\frac{800 \text{ gals.}}{4{,}000 \text{ gals.}}\right)\pm O$$

$$"X_i"=\$222+\$58=\$280$$

Increased Costs attributable to Residual Fuel Oil—

$$"X_i"=A_i{}^i\left(\frac{R_i{}^a}{R_i{}^i}\right)+N_i{}^i\left(\frac{R_i{}^a}{R_i{}^i}\right)\pm P$$

$$"X_i"=\$392\left(\frac{1{,}000 \text{ gals.}}{4{,}000 \text{ gals.}}\right)+\$108\left(\frac{1{,}000 \text{ gals.}}{4{,}000 \text{ gals.}}\right)\pm O$$

$$"X_i"=\$131+\$36=\$167$$

Allocation to Motor Gasoline—

(increased costs attributable to No. 2 oils)

+(increased costs attributable to residual fuel oil)

$$"X_i"=\$280+\$167=\$447$$

FEA solicits comments addressed to whether the method outlined above, or some other method, is appropriate for multiple product exchanges.

2. *Treatment of cash differential.* To the extent that a refiner, pursuant to an exchange agreement, receives a cash payment as well as products in exchange for the products that it exchanges away, increased crude oil and non-product costs attributable to the products exchanged away are partially recouped by the cash payment received. Also, to the extent that a refiner pays cash when it exchanges away products, it incurs costs in addition to the crude oil and non-product costs attributable to the products exchanged away.

For example, where pursuant to an exchange agreement, refiner *A* exchanges away 1,000 gallons of gasoline for 1,000 gallons of No. 2 oils and receives $20 in cash from refiner *B*, refiner *A* recoups a portion of the increased costs attributable to the 1,000 gallons of gasoline that it exchanges away, and refiner *B* incurs additional costs of $20 to obtain the 1,000 gallons of gasoline.

To eliminate the potential double recoupment of increased costs that would result if refiner *A* were not to account for the cash differential, the cost allocation method would require that a refiner receiving a cash payment as part of an exchange agreement include the cash payment in the "*P*" term of the "X_i" factor and reflect the "*P*" term as a negative number. The refiner making the cash payment would reflect this amount as a positive "*P*" term in the "X_i" factor. To the extent that a refiner receives more than one type of product for products exchanged away, a refiner receiving a cash payment would treat the transaction as two separate exchanges and accordingly make similar adjustments in the "*P*" term of the "X_i" factor for each product received in the exchange. For example, a refiner exchanges 200 gallons of product "*a*" for 87 gallons of product "*b*" and 113 gallons of product "*c*" and receives an $18 cash differential payment. The refiner would treat this transaction as two separate exchanges under the multiple product exchange method proposed above: An exchange of 87 gallons of product "*a*" for 87 gallons of product "*b*" and an exchange of 113 gallons of product "*a*" for 113 gallons of product "*c*". The refiner receiving the cash differential would adjust the "X_i" factor for the product "*b*" by a negative "*P*" term, i.e., (−$7.83).

$$\text{cash differential}\left(\frac{\text{volume of product "}b\text{"}}{\text{total volume of product received}}\right)$$

$$\text{"}P\text{"}=\$18\left(\frac{87\text{ gals.}}{200\text{ gals.}}\right)=(-\$7.83)$$

The "X_i" factor for product "*c*" would also be adjusted by a negative "*P*" term, adding i.e., (−$10.17)

$$\text{cash differential}\left(\frac{\text{volume of product "}b\text{"}}{\text{total volume of product received}}\right)$$

$$\text{"}P\text{"}=\$18\left(\frac{113\text{ gals.}}{200\text{ gals.}}\right)=(-\$10.17)$$

Also, to the extent a refiner makes a cash payment as part of an exchange agreement, the refiner would include the cash payment as a positive "*P*" term in the "X_i" factor for the product received in the exchange. To the extent a refiner receives more than one type of product pursuant to an exchange agreement, a refiner making the cash payment would treat the cash payment under the "*P*" term of the "X_i" factor for each product received in the exchange using the method discussed in the example above.

3. *Time exchanges.* A product exchange agreement often includes the exchange of products over the period of two or more months of measurement. For example, refiner *A* might agree with refiner *B* to exchange a volume of product "*a*" for a volume of product "*b*" to be received in the following month.

The amendment proposed today would require a refiner that exchanges away products in the month of measurement for products to be received in a subsequent month to allocate increased costs attributable to the product exchanged away to an increased cost reserve or "exchange reserve" to be subsequently allocated to the product received in the exchange. Such costs would be allocated from the exchange reserve to the "X_i" factor of the product received in the month of measurement during which the product is received.

A refiner receiving products during the month of measurement in exchange for products it will refine and exchange away in a subsequent month has not yet incurred actual increased costs to allocate to the products already received. Accordingly, the regulations proposed today would require the refiner to impute a dollar value of increased costs incurred to refine the product to be exchanged away and allocate such costs to the "X_i" factor of the product received.

The imputed increased costs would be based on month of measurement unit increased costs attributable to the product of the type to be later exchanged away. To the extent that actual increased costs attributable to the product exchanged away differ from the imputed costs, the refiner would adjust the "X_i" factor for the type of products exchanged away to reflect actual increased costs in the month of measurement in which actual costs are calculated.

When pursuant to an exchange agreement a refiner exchanges away volumes of the total amount of product to be received in two or more months of measurement, a refiner would impute increased costs for the total volume of product to be exchanged away and allocate such costs for the exchange reserve of the product received. A proportional share of imputed costs would be allocated from the exchange reserve of the product received to the incremental volumes of product received, i.e.,

$$\left(\begin{array}{c}\text{imputed increased costs of product}\\ \text{exchanged away}\end{array}\right)\left(\frac{\begin{array}{c}\text{volume of product received in month}\\ \text{of measurement}\end{array}}{\begin{array}{c}\text{volume of total product to be received}\\ \text{pursuant to the exchange.}\end{array}}\right)$$

For example, refiner *A* agrees to exchange with refiner *B* 500 gallons of product "*a*" for 400 gallons of product "*b*". Refiner *A* is to exchange away the first volumes of product "*a*" as follows: 100 gallons in the first month, 250 gallons in the third month, and 150 gallons in the fifth month. Refiner *B* is to exchange away volumes of product "*b*" as follows: 300 gallons in the second month, and 100 gallons in the fifth month. Refiner *A* imputes $120 increased costs to refine the product "*a*" to be exchanged and allocates this cost to its exchange reserve for product "*a*". Refiner *B* imputes $100 to refine product "*b*" to be exchanged and allocates the same to its exchange reserve for product "*b*".

Refiner *A* would allocate increased costs from its exchange reserve of product "*b*" as follows:

In the second month $90 to the 300 gallons of product "*b*" received

$$\left[\$120\left(\frac{300\text{ gals.}}{400\text{ gals.}}\right)\right],$$

and in the fourth month $30 to the 100 gallons of product "*b*" received

$$\left[\$120\left(\frac{100\text{ gals.}}{400\text{ gals.}}\right)\right].$$

Refiner *B* would allocate increased costs from its exchange reserve to the product "*a*" as follows: In the first month $20 to the 100 gallons of product "*a*" received

$$\left[\$100\left(\frac{100\text{ gals.}}{500\text{ gals.}}\right)\right],$$

in the third month $50 to the 250 gallons of product "*a*" received

$$\left[\$100\left(\frac{250\text{ gals.}}{500\text{ gals.}}\right)\right],$$

and in the fifth month $30 to the 150 gallons of product "*a*" received

$$\left[\$100\,\frac{150\text{ gals.}}{500\text{ gals.}}\right].$$

Comments are solicited as to whether this, or some other method, is appropriate for dealing with time exchanges.

B. *Resellers and retailers.* FEA reseller and retailer price regulations in Subpart F do not explicitly provide for the passthrough of increased costs attributable to petroleum products that are exchanged away pursuant to an exchange agreement, rather than sold.

Pursuant to § 212.93 a seller is not permitted to charge a price in excess of the weighted average price at which product was lawfully priced by the seller in transactions with the class of purchaser concerned on May 1973, plus an amount which reflects, on a dollar-for-dollar basis, the increased product costs, plus an amount which reflects certain permitted increased non-product costs.

The proposed cost allocation method would require that a seller impute to products received in an exchange a weighted average unit cost of product in inventory equal to the weighted average unit cost in inventory of the product exchanged away multiplied by the volume of product exchanged away, divided by the volume of product received in the exchange. This imputed inventory cost would be determined with reference to the weighted average inventory cost of exchanged product at the time of the exchange. To this imputed weighted average inventory cost, a seller would add or subtract the value of any cash differential, divided by the volume of product received in the exchange.

Where an exchange agreement encompasses a period of two or more months of measurement, FEA contemplates that the dollar value attributable to the product exchanged away would be allocated or assigned to an "exchange reserve" and subsequently allocated or assigned to volumes of the crude oil or product at the time they are received pursuant to the exchange agreement.

III. Crude Oil

On August 9, 1977, FEA issued a Further Notice of Proposed Rulemaking and Public Hearing to consider amendments to the price regulations applicable to the resale of crude oil. (42 FR 41256, August 15, 1977.) In that notice, FEA stated its preliminary conclusion that with respect to exchanges of crude oil, such exchanges should be treated in the same manner as is currently provided for in the operations of the Entitlements Program. (Section 211.67(g) declares in essence that, with respect to exchanges of crude oil in which only quality and location differentials are given effect in calculating the exchange ratio, or with respect to any matching purchase and sale transactions having the same effect as such an exchange, no volumes of domestic crude oil will be deemed to have been transferred.) However, comments were solicited in the August 9 Notice addressed to the manner in which exchange or "in place" differentials are calculated and charged, and whether corresponding adjustments in permissible selling prices should be made to reflect such differentials.

FEA also solicits comments in this rulemaking proceeding addressed to these same issues, and whether some other treatment is appropriate for crude oil exchanges.

IV. Request for Comments

1. FEA requests comments as to whether transactions involving exchanges of crude oil for petroleum products should be treated as exchanged within the context of this rulemaking proceeding or within the context of a separate rulemaking proceeding concerning processing agreements.

Comments should specifically identify any criteria that would distinguish such an exchange from a processing agreement.

2. FEA requests comments regarding an alternative cost allocation method for calculating the amount of increased costs attributable to products exchanged away to be allocated to products received in the exchange. The alternative method would permit the allocation of not only month of measurement increased costs volumetrically attributable to products exchanged away, but, additionally, unrecouped increased costs attributable from prior months to products exchanged away. Conversely, comments are solicited as to whether only increased costs actually passed through in the selling price of product of the type exchanged away should be allocated to the product received.

3. FEA requests comments regarding the addition of or subtraction of the cash differential to or from increased costs and allocated to the products received in an exchange.

4. FEA generally requests comments addressed to any other alternative treatment of exchanges, such as, for example, a "sales" method, which might provide that the firm establish the market price revenues (not to exceed the price permitted under the price regulations for covered products) for the products exchanged away, and would permit the firm to recover in prices of the product received the total dollar amount of such revenues.

5. In this rulemaking proceeding, FEA will consider the adoption of prospective as well as retroactive amendments and the issuance of Rulings addressed to the proper treatment of exchanges under existing regulations. In this regard, comments should address whether such amendments should be adopted prospectively only.

V. Comment Procedures

A. *Written comments.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Exchanges," Box PD. Fifteen copies should be submitted. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confi-

dential 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 its determination.

B. *Public hearings.* 1. *Request procedure.* The times and places for the hearings are indicated in the dates section of this preamble. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the next business day following the date of the hearing.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she 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 or she may be contacted through the day before the hearing.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., October 4, 1977, and must submit 100 copies of his or her statement to Regulations Management, Room 2214, 2000 M Street NW., Washington, D.C., before 4:30 p.m., e.d.t., October 11, 1977.

2. *Conduct of the hearings.* 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 persons 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 11, 1977. 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 revelant, 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 Freedom of Information Office, Room 2107, 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.

In the event that it becomes necessary for the FEA to cancel a hearing, FEA will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, FEA will notify all persons scheduled to testify at the hearings. However, it is not possible for the FEA to give actual notice of cancellations or changes to persons not identified to the FEA as participants. Accordingly, persons desiring to attend a hearing are advised to contact the FEA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

As required by section 7(7)(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.

NOTE.—The FEA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159 as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Part 212 of Chapter II of Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., September 14, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 212.83 is amended in paragraph (c)(2) by adding a new term, "X_i," to the formulae to read as follows:

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.* * * *

(2) *Formulae*—(i) *No. 2 oils, aviation jet fuel, and gasoline.* For No. 2 oils, aviation jet fuel, and gasoline ($i=1$, $i=2$, and $i=3$):

$$d_i{}^u = A_i + B_i + N_i - G_i{}^t - H_i{}^u \pm X_i$$

(ii) *General refinery products.* For general refinery products ($i=4$):

$$D_i{}^u = A_i + B_i + N_i - G_i{}^t - H_i{}^u \pm X_i$$

* * * * *

2. Section 212.83(c)(2)(iii) is amended by adding a new paragraph (J) to read as follows:

§ 212.83 Price rule.

* * * * *

(c) *Allocation of increased costs.* * * *

(2) *Formulae*—

* * * * *

(J) *The "X" factor.* Beginning with the period "t" equals November 1977:

$$"X_i" = (A_i{}^t + N_i{}^t)\left(\frac{R_i{}^p}{R_i{}^t}\right) \pm P$$

"X_i" is an adjustment to the total dollar amount a refiner may apportion to a covered product of the type "i" to reflect costs attributable to exchange agreements. "X" is equal to the sum of increased costs of crude oil and increased non-product costs, adjusted to reflect cash paid or received pursuant to an exchange agreement, attributable to the specific product or products exchanged away in the period "t". When "i" is the same specific covered product or products as the product or products exchanged away pursuant to the exchange agreement, "X_i" shall be subtracted from the total dollar amount a refiner may apportion to the covered product or products of the type "i". When "i" is the same specific covered product or products as the product or products received pursuant to the exchange agreement, "X_i" shall be added to the total dollar amount a refiner may apportion to the covered product or products of the type "i".

Where

"$A_i{}^t$" = "A_i" as defined in § 212.83(c)(2)(iii)(C) for the specific product or products exchanged away pursuant to an exchange agreement.

"$N_i{}^t$" = "N_i" as defined in § 212.83(c)(2)(iii)(E) for the specific product or products exchanged away pursuant to an exchange agreement.

"P" = The total dollar amount of cash paid or received pursuant to an exchange agreement.

"$R_i{}^t$" = "R_i" as defined in § 212.83(c)(2)(iii)(C) for the specific product or products exchanged away pursuant to an exchange agreement during the period "t".

"$R_i{}^p$" = The actual volume of the specific product or products exchanged away pursuant to an exchange agreement in the period "t".

3. Section 212.92 is amended to read as follows:

§ 212.92 Definitions.

For purposes of this Subpart—

"Increased product costs" means the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973. (Decreases in the weighted average unit cost of a product in inventory in successive accounting periods are reflected in reductions in the amount of increased costs incurred in those accounting periods, in accordance with § 212.93(c).) If a particular product was not in inventory on May 15, 1973, the date for computing the cost is the most recent day preceding May 15, 1973, when the seller had the product in inventory. With respect to a product received by the seller pursuant to an exchange agreement, the weighted average unit cost of the product in inventory shall be imputed to be equal to the weighted average unit cost of the product in inventory exchanged away (computed at the time such product was exchanged away) times the volume of such product exchanged away divided by the volume of product received pursuant to the exchange agreement, plus or minus any cash differential paid or received by the

seller divided by the volume of product received in the exchange.

* * * * *

[FR Doc.77-27505 Filed 9-22-77;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

PREPARATION FOR MAILING—PACKAGING

AGENCY: U.S. Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend postal regulations to set out more realistic and enforceable packaging requirements. The proposed regulation change is designed to reflect established commercial standards identified during an extensive packaging task force study conducted by the Postal Service with the cooperation of mailers' associations. The proposed new requirements are designed to facilitate the safe handling of packages. At the present time some packages are damaged or lost due to inadequate packaging, the use of inadequate closure and reinforcement materials, and the placing of confusing or illegible markings on the outside of the package. The new requirements are intended to eliminate these problems.

DATE: Comments must be received on or before October 26, 1977.

ADDRESS: Written comments should be directed to the Acting Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Mr. F. E. Gardner, 202-245-4529.

SUPPLEMENTARY INFORMATION: Under the provisions of 39 CFR 111.3, the Postal Service proposes to amend Part 121 of the Postal Service Manual as explained above and to add a new 121.7 to provide packaging guidelines for specific classes of items.

Major areas of change are:

1. Incorporation of the normal, fiberboard box, bursting strength requirements found in the National Motor Freight and Uniform Freight Classifications and the federal specifications on fiberboard boxes into the regulations. Unless otherwise specified, solid and corrugated fiberboard boxes would be acceptable for easy and average loads up to the following weight limits:

(1) 125 pound test board up to 20 pounds.

(2) 175 pound test board up to 40 pounds.

(3) 200 pound test board up to 65 pounds.

(4) 275 pound test board up to 70 pounds.

Unless otherwise specified, solid and corrugated fiberboard boxes would be acceptable for difficult loads up to the following weight limits:

(1) 175 pound test board up to 20 pounds.

(2) 200 pound test board up to 45 pounds.

(3) 275 pound test board up to 70 pounds.

2. Discontinuance of the use of wrappers on boxes.

Under the proposed regulation it is preferable that paper wrappers be omitted if the box itself constitutes an adequate shipping container.

3. Classification of closure and reinforcement requirements.

The proposed rule recommends the use of pressure sensitive filament reinforced tape for closure and reinforcement of containers. It is preferable that twine and cord no longer be used for closure, sealing and reinforcement of containers.

4. Strengthening of marking requirements.

Under the proposed rule it will be mandatory that handling markings, such as Do Not Bend, be used only when the contents are protected with stiffeners. Presently it is merely recommended that such markings be used only when the contents are protected with stiffeners.

Extraneous information, such as order numbers, which may be confused with ZIP Codes will not be permitted adjacent to or immediately under the last line of the address under the proposed regulations.

Also, in order to minimize loss of address labels and envelopes attached to packages all such labels and envelopes are to be firmly sealed to containers with no more than ⅛ inch separation between edges of the envelope and container under the proposed regulation.

In addition, a series of optional guidelines for packaging materials and methods of packaging have been developed for packages which have previously experienced relatively high damage rates: books, high density items, soft goods, and records and tapes.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

PART 121—PACKAGING

1. Revise 121.1 to read as follows:

121.1 Packaging adequacy.

Articles accepted for mailing shall be prepared according to the general criteria and regulations specified herein. The Postal Service will accept properly packaged and marked parcels and reserves the right to refuse non-mailable or improperly packaged articles or substances. Other regulations, concerning packaging and mailability, are contained in Part 124 for articles mailable under special rules, Part 126 for overseas military post offices, and Publication 42 for international mail.

2. In 121.2 delete "or fiberboard" from the last sentence of .21c, and revise the last sentence of .21b to read as follows:

121.2 Definitions.

.21 Types of loads.

* * * * *

b. * * * Average loads may be prepackaged by nesting items within partitions or in separate paperboard boxes. This tends to stabilize items to prevent shifting and damage to them and the container.

3. In 121.3 redesignate .321d–f as .321 e–g; strike out the words "six inches" in the last sentence of redesignated .321e and insert "eight inches" in lieu thereof; strike out "illustration 7" in the third sentence of redesignated .321g and insert "illustration 5" in lieu thereof; strike out "4½" in the first sentence of .324a and insert "4¼" in lieu thereof; strike out "Illustrations 4, 5, and 6" in the last sentence of .331 and insert "Illustrations 3 and 4" in lieu thereof; revise .31 and .321c, add new .321d, and revise .322, .323, .325, .333, and .34 to read as follows:

121.3 Packaging for mailing.

.31 Preservation.

It is the responsibility of the mailer to provide protection against deterioration or degradation of the contents. Preshipment testing is practiced by the airline carriers and by many company managers to determine the effectiveness of their packaging as well as the durability and the quality of their product. The mailer should be aware of the characteristics of the item he is mailing, the transit time, and the mail handling and transportation environment. The National Safe Transit Association Test Standards are recommended for customer's evaluation of their packages. Postmasters and customer services representatives will keep customers advised on service and transit times.

.32 Containers acceptable for mailing.

.321 Boxes.

* * * * *

c. Unless otherwise specified, see 121.5 and 126.12, solid and corrugated fiberboard boxes are acceptable for easy and average loads upon to the following weight limits:

(1) 125 pound test board up to 20 pounds.

(2) 175 pound test board up to 40 pounds.

(3) 200 pound test board up to 65 pounds.

(4) 275 pound test board up to 70 pounds.

d. Unless otherwise specified, see 121.5 and 126.12, solid and corrugated fiberboard boxes are acceptable for difficult loads up to the following weight limits:

(1) 175 pound test board up to 20 pounds.
(2) 200 pound test board up to 45 pounds.
(3) 295 pound test board up to 70 pounds.

* * * * *

.322 Outside wraps for boxes.

It is preferable that paper wrappers be omitted if the box itself constitutes an adequate shipping container. However, wrapping paper equivalent to the strength of the average large grocery bag, 60 pound basis weight, may be used as an outside cover for boxes. Closure and reinforcement will be accomplished by use the of taype, see 121.23.

.323 Bags, bales, bundles, and wraps.

Bags, bales, bundles, and wraps shall not be accepted with difficult loads. The contents in bags, bales bundles and wraps will be compressed whenever possible:

a. Paper bags and wraps are acceptable for easy loads of up to five pounds when they are at least 50 pounds basis weight and the items are immune from impact or pressure damage. A combination of plies adding up to or exceeding 50 pounds basis weight is not acceptable. Reinforced bags or bags with a minimum of 70 pounds basis weight are acceptable for easy and average loads up to 20 pounds. Non-reinforced loose-fill padded bags are not acceptable as exterior containers, except when the exterior ply is at least 60 pounds basis weight.

b. Plastic bags shall, as a minimum, be at least two mil thick polyethylene or equivalent for easy loads up to five pounds and four mil for easy loads up to 10 pounds. Experience indicates that plastic bags, which will stretch and resist puncturing, are more durable than most nonreinforced paper bags and provide a high degree of waterproofness. However, the ordinary plastic bag without the above strength characteristics is to be avoided.

ILLUSTRATION 1

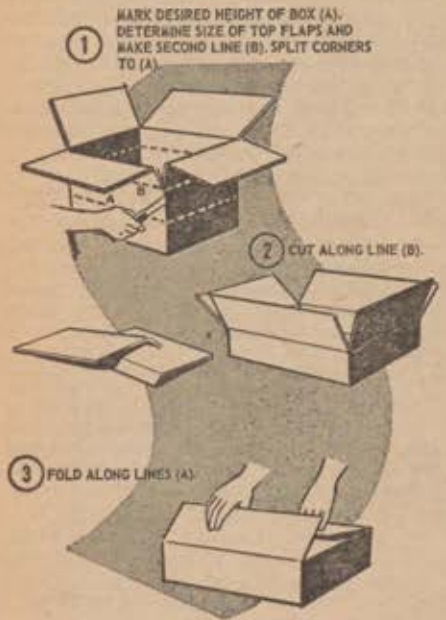
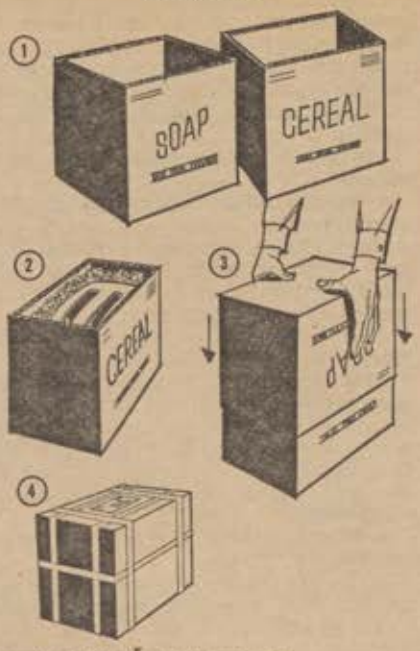


ILLUSTRATION 2



The usual point of fracture is at the taped corners.

c. Cloth bags are acceptable for easy and average loads of up to 10 pounds provided their seams are equivalent in strength to the basic material.

d. Bales and bundles are acceptable within postal weight limits provided they are adequately compressed and reinforced to contain the material.

* * * * *

.325 Fiberboard Tubes and Similar Long Packages.

Fiberboard tubes and similar long packages are acceptable providing their length does not exceed 10 times their girth. As a minimum, the strength of the tube ends must be equal to the tube sidewall strength, except when the contents are light-weight rolled items. In any event, sidewall strength will be equal to solid fiberboard 1/16 inch thick for tubes under 18 inches long, 3/32 inch thick for tubes 18 to 32 inches long, and 1/8 inch thick for tubes over 32 inches long. Crimped or taped end closures are not acceptable for other than lightweight, rolled items. Tape must completely encircle the seams on friction side closures of mailing tubes.

* * * * *

.333 When several items are within a package they must be protected from each other as well as from external forces. Concentrated heavy items must not be packed with fragile items unless extreme care is exercised to separate the items from each other. Heavy items must be adequately stabilized.

ILLUSTRATION 3

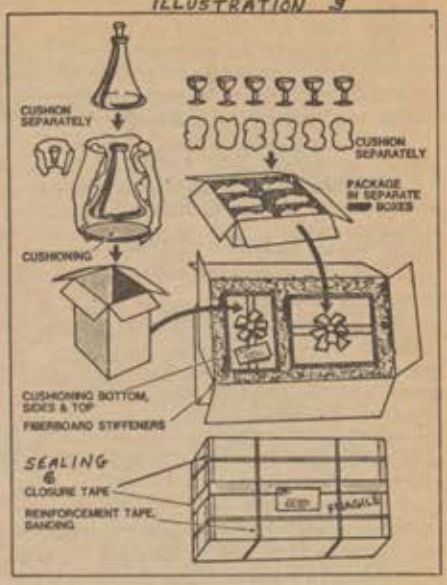
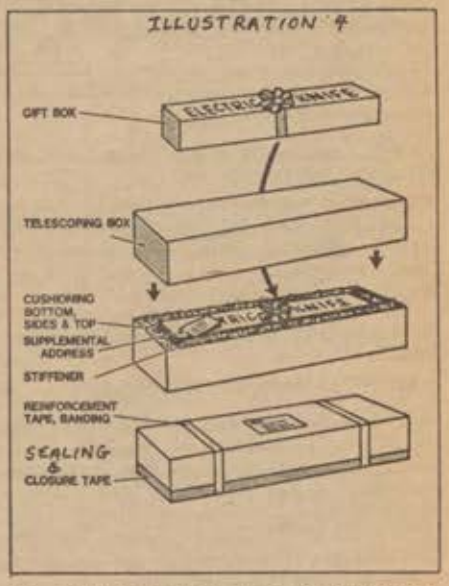


ILLUSTRATION 4



.34 Closure, sealing, and reinforcement.

.341 General.

Closure and reinforcement of packages are primary considerations in the preparation and acceptability of any parcel. The principal methods of closure and reinforcement employ gummed and pressure sensitive tapes, adhesives, strapping, staples for boxes and bags; and various friction closures, screw caps and locking devices for cans and similar containers.

.342 Tape.

a. Tape is used for closure, sealing, and reinforcement of containers. Cellophane and masking tape shall not be used for closure or reinforcement of packages, but may be used to augment adhesive closures on envelopes or to cover staples on bags. Pressure sensitive, filament reinforced tape is recommended for closure and reinforcement.

b. Paper tape must be at least 60 pounds basis weight kraft. This tape is widely used for closure and sealing, but is not adequate for reinforcement. Reinforced kraft paper tape is considerably more durable than plain kraft tape, and take less time and tape for an equal closure. The adhesive on gummed tapes must be adequately activated prior to application by the use of warm water with a wetting agent, and must be firmly applied with the tape extending at least three inches over the adjoining side of the box. Improper application results when the gummed adhesive is not activated or when the water is absorbed by the fibrous container. The tape must be kept from freezing for at least one hour after application. Special care should be taken when extremely cold temperatures are anticipated. Even properly applied gummed tapes tend to crack under these conditions.

c. Pressure sensitive tapes come with various paper, cloth, or plastic backings, both plain and reinforced, and may be readily applied on a clean surface at any temperature above freezing. Application, especially in below freezing temperature, requires that the tape be rubbed down well to assure adhesion. Pressure sensitive tape should be used on the container in the same way as gummed tapes.

d. Illustration 5 shows proper methods of applying reinforced paper tapes and reinforced pressure sensitive tapes. Tapes can also be used to close other types of packages not illustrated, including those of irregular shapes and soft wrapped items. Packages properly closed with reinforced tape are substantially stronger than are parcels closed with reinforced paper tape. Except for pressure sensitive filament tape, tapes used for closure and reinforcement shall not be less than two inches wide. Nonreinforced plastic tapes shall be of approximately equal strength in both the cross and machine (long) direction.

.343 Adhesive.

Adhesive is a general term covering cement, glue, mucilage, paste, thermoplastic, etc. An adhesive must cover at least 50 percent of the box flaps and should be applied not more than ¼ inch from the ends of the box flaps. Alternatively, four strips of hot melt adhesive may be used on each portion of the box flap where the outer flap overlays the inner flap. Each strip will be 3/16 inch wide after compression. Strips should be a maximum 1½ inches apart, with the first strip no more than ½ inch from the center seam. All strips will be the full width of the inner flap, or hot melt adhesive should be applied to 25 percent of the area where the outer flap overlays the inner flaps. In any event, adhesives used for closure shall be assumed to have been adequate if at least 50 percent fiber tear occurs on the surface to which the adhesive was applied. Adhesives used for closure on box flaps or on tapes must remain serviceable in temperatures from −20° F to +160° F.

.344 Banding.

When banding is used for closure and reinforcement, it should encircle the package at least once girthwise and lengthwise over the sides, ends and tops of rectangular containers and bundles. Although it is preferred that twine and corn not be used for closure and reinforcement, if used, they should be at least 20 pounds tensile strength and must be secured at an intersection at least once on each side. Strapping includes both metallic and nonmetallic banding and pressure sensitive filament tape. Loose strapping, especially metal, is not acceptable because it constitutes a hazard to employees and equipment and does not reinforce the container. It is preferred that flat steel strapping have smooth or plastic coated edges.

.345 Staples and steel stitching.

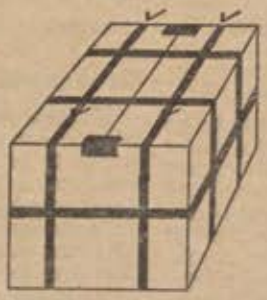
a. Staples and steel stitching are acceptable providing they are spaced not more than 2½ inches apart and not more than 1¼ inches from the ends of the box. Boxes that do not meet these requirements may be made acceptable by application of a strip of three-inch-wide, reinforced, tape in the gap between the staples or by strapping to compensate for the gap in the staple closure. Illustration 6 shows banding augmented staple closures.

b. Staples and steel stitching are acceptable on envelopes and bags providing they do not present a hazard to postal employees, equipment of other mail. Mailing pieces with improperly clinched or unprotected protruding ends of staples or stitches are not acceptable.

ADEQUATE CLOSURE

PRESSURE SENSITIVE FILAMENT TAPE

This tape is composed of filaments imbedded in pressure sensitive adhesive. It is extremely strong and only short strips are needed to accomplish effective closure. It is important to tape down the ends of the flaps (✓).



REINFORCED KRAFT PAPER TAPE

This tape is about 3 inches wide and is composed of several laminated layers with filaments running both lengthwise and across. It is extremely break resistant and has excellent adhesive qualities. Reinforced tape is preferred over the plain kraft tape.



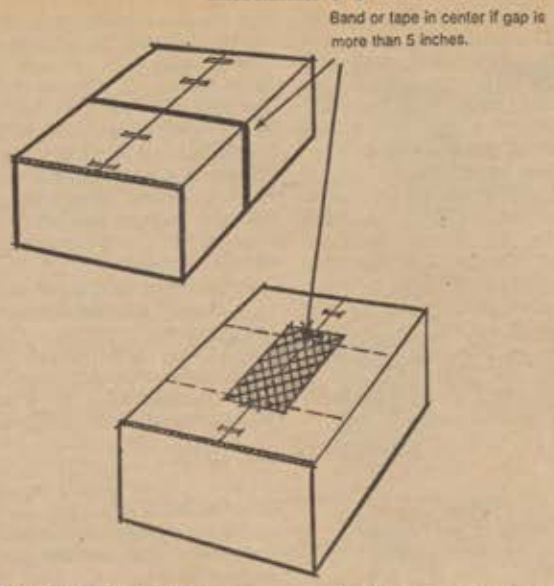
KRAFT PAPER TAPE

This is a one-thickness tape available in many widths and strengths. It must be correctly applied, both as to positioning and adhesion, and must be graded in use according to the size, shape, and weight of the package. It is not adequate for heavy packages. Of particular importance is the absolute necessity for fully taping down the ends of the package flaps. (✓).



Note: Bursting of corners, especially taped joints, may be a problem for containers under heavy impact.

ILLUSTRATION # 6



4. Revise 121.4 to read as follows:

121.4 Marking.

.41 General.

a. Marking by the mailer must be by a material which is not readily water soluble nor which can easily be rubbed off or smeared and will be sharp and clear at a distance of 30 inches. It is recommended that the name and address of the sender and addressee also be inserted within the package to aid in delivery if the address on the package is defaced.

b. Restricted articles shall be marked and labeled in accordance with 124.15.

.42 Special markings.

Special markings as identified shall be placed in an area below the postage and above the name of the addressee:

a. Fragile markings shall only be applied to any package containing delicate items such as glass and electrical appliances. Identification of contents is not required.

b. Perishable markings shall be applied to any package which will degrade or decompose rapidly such as meat, produce, plants, or certain chemical samples.

c. Handling markings, such as Do Not Bend, shall be used only when contents are protected with stiffeners.

d. Words implying expedited handling, such as Rush Do Not Delay, shall not be used on any package except those intended for shipment as special delivery or special handling mail.

e. Unauthorized markings which do not designate the address, nature of contents, or handling are not permitted. Obsolete markings will be obliterated. Containers improperly identified as to contents are not acceptable; e.g., a box marked as containing art supplies which contains flammable liquid. Extraneous information, such as order numbers, which will be confused with ZIP Codes, are not permitted adjacent to or immediately under the last line of the address.

.43 Marking surfaces.

Marking methods or surfaces shall be of such type as to permit postal endorsements to be made by hand stamp, ball point pen, or Number 2 grade pencil. Package surfaces which will not retain an adhensive stamp, postage meter impression, ball point pen or pencil markings are not acceptable. Address labels and particularly envelopes will be firmly sealed to containers with no more than ⅛ inch separation between edges of the envelope and containers.

5. In 121.5 revise .51 and .52 and renumber illustration 9 as illustration 7 and revise to read and appear as follows:

121.5 Mailability.

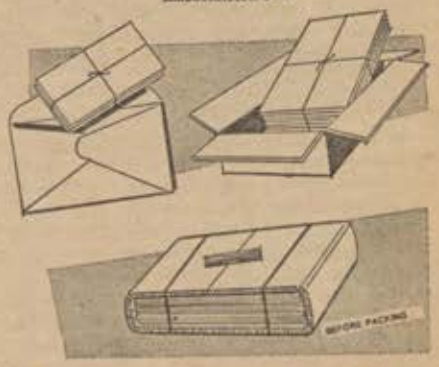
.51 Acceptability.

Acceptability of packaging is a principal criterion of mailability. No item shall be packaged so that its contents may harm personnel or equipment or other mail. Fragile items must be packaged to withstand the mail processing and transportation environment. Heavy items must be braced and cushioned to prevent damage to other mail. Some general classes of items which cause a continuing problem due to packaging deficiencies are described in this section. Further information may be obtained from parcel post window clerks, dock foremen, and mailing requirements personnel. Requests for exceptions to the prohibitions set forth herein shall be submitted for a ruling to the Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260.

.52 Stationery.

Stationery-type items constitute a major source of loose-in-the-mail items. Problems occur because of unrestrained, concentrated or shifting contents, and the use of containers, internal packaging, closures and reinforcements which are inadequate. Stationery-type items exceeding one inch in depth or one pound in weight should not be accepted in letter-style envelopes. The contents of these packages must be unitized by tying or banding or through the use of partitions on close fitting interior containers to prevent shifting. Illustration 7 gives several examples of unitizing this type material.

ILLUSTRATION # 7



6. Revise 121.6 to read as follows:

121.6 Packaging Improvement Report.

a. When packaging deficiencies are noted after acceptance that are not of such a serious nature as to require refusal for dispatch or removal from the mails, the receiving Postal employee will complete a Packaging Improvement Notice, Form 3823, noting the potential source of loss or damage in accordance with 331.22. When damage occurs as a result of inadequate packaging Form 3823 will be prepared in accordance with 334.723.

b. Packaging which does not meet the minimum requirements of this Part may be allowed in a "test" status. If the test packaging achieves acceptable performance levels, the mailer may continue to use the packaging. Authority to grant "test" status to mailers may be considered by the originating Bulk Mail Center general manager. Their decision is subject to an appeal to the Office of Mail Classification, Rates and Classification Department. Requests for interpretations of Postal Service regulations which cannot be resolved by the accepting postmaster, Bulk Mail Center manager, or customer requirements officer, will be referred to the Postal Services Centers. When significant deviations from existing requirements are successful the Office of Mail Classification will be notified.

7. Add new 121.7 reading as follows:

121.7 Guidelines.

The following guidelines apply to all pieces of any class of mail which will be individually processed in the Bulk Mail System. Those recommended packaging materials and methods of packaging in these guidelines that are identical with mandatory requirements in 121.32–34 and 121.4 are mandatory. Particular attention is directed to the closure and reinforcement regulations in sections

121.34 and marking regulations in 121.4. Other recommended packaging materials and methods of packaging in these guidelines are presently optional.

121.71 Books.

Books including catalogs and similar material for purposes of packaging only and not for purposes of mail classification are defined as any item having 24 pages or more, fastened together along one edge between either hardback, paperback or self covers. These guidelines are designed to assure safe handling of packages which, if the contents are unrestrained or allowed to shift, or if inadequate containers, internal packaging, closures and reinforcement are used, are subject to possible damage.

121.711 *Up to 5 Pounds.*

a. Books exceeding 1 inch in depth or one pound in weight will not be accepted in letter style envelopes, which are defined as those non-gusseted, flat envelopes from 3" x 4½" up to 6⅛" x 11½" or in shrink wrap. Other envelopes, as defined in 121.324b, will be used.

b. Book shipments up to five pounds should be packaged in close fitting paperboard or fiberboard boxes or padded or reinforced bags (exterior ply minimum 60 pounds basis weight) or wraps (corrugated or minimum 60 pounds basis weight paper). The container should be no less than ¼" thick. The contents of paperboard containers should support the package and should not permit a lateral shift of the books of more than ½". A snug fitting container is recommended.

c. Closure should be accomplished by multiple friction closures, (e.g., the insertion of more than one flap or tab) completely clinched staples to avoid handling injuries, heat sealing, adhesives, tape or non-metallic banding. Although shrink wrap is not acceptable as the only packaging for hardback books exceeding one pound or one inch in depth, it may be used on the exterior of otherwise acceptable containers. Shrink wrap may be used as the only method of packaging for paperback books up to three pounds. Shrink wrap material should have a coefficient of friction of .025 to .040 on metal surfaces at 20 to 25 degree elevations.

121.712 *From 5 to 10 Pounds.*

a. Books in this weight range should be packaged in fiberboard boxes with a minimum of 175 pound test board or equivalent.

b. Closures will be accomplished by the use of tape or non-metallic banding or adhesives, as described above in 121.711c. The use of reinforced tape is adequate for both closure and reinforcement.

121.713 *From 10 to 25 pounds.*

a. Books in this weight range should be packaged in fiberboard boxes with a minimum of 200 pound test board or equivalent.

b. Closure should be as above in 121.-712b for the 5 to 10 pound range, except that the container should be reinforced or banded in the direction which will provide the greatest support with reinforced paper tape, equivalent plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding. The use of reinforced tape is adequate for closure and reinforcement of these containers.

121.714 *From 25 to 50 pounds.*

a. Books in this weight range should be packaged and closed as above in 121.-713b for the 10 to 25 pound range, except that books should be packaged in 275 pound test containers or equivalent.

b. Outer containers of books should be reinforced at two points to provide the greatest support with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding.

121.715 *From 50 to 70 pounds.*

Books in this weight range should be packaged as above in 121.714 for the 25 to 50 pound range, except that they should be packed in fiberboard boxes with a minimum 350 pound test board or equivalent.

121.716 *Cushioning.*

Void spaces within multiple book containers will be filled with dunnage or otherwise stabilized to prevent shifting or damage to the contents or container.

121.72 *High Density Items.*

High density items are defined as packages of solid objects which exceed 15 pounds per cubic foot, such as hardware, machine and auto parts, tools and similar metal or heavy items, except books. These requirements are designed to assure safe handling of packages which, if the contents are unrestrained, or if allowed to shift, or if inadequate containers, internal packaging, closures and reinforcements are used, are subject to significant damage. Articles of this type will be packaged so as not to exert more than 60 pounds per square foot pressure on the smallest side of a container.

121.721 *15 to 20 Pounds.*

a. These items should be packaged in fiberboard boxes constructed of a minimum 200 pound test board or equivalent wood, metal or plastic containers. Plastic, metal and similar hard containers should be packaged, treated, or otherwise prepared so that their coefficient of friction or ability to slide on a smooth, hard surface is similar to that of a domestic class fiberboard box of the same approximate size and weight.

b. Closure should be accomplished by staples, heat shrinking, adhesives or tape.

c. Boxes without inner packing or containing loose material should be reinforced or banded with reinforced paper of plastic tape, pressure sensitive filament tape or firmly applied nonmetallic banding.

d. Internal blocking and bracing, including the use of interior containers, cut forms, partitions, dunnage, and liners, should be used as required so that packages will be capable of maintaining their integrity without damage to the contents if dropped once on one of their smallest sides on a solid surface from a height of three feet.

121.722 *From 20 to 45 Pounds.*

These items will be packaged, closed and reinforced as above in 121.722 except that reinforcement should be by the use of pressure sensitive filament tape or non-metallic banding.

121.723 *From 45 to 70 Pounds.*

These items will be packaged, closed and reinforced as above in 121.723, except that exterior containers will be a minimum of 275 pound test fiberboard or equivalent.

121.73 *Softgoods.*

Softgoods are defined as any textile material, normally associated with wearing apparel, sheets, blankets, pillows and pillow cases, draperies, cloth, dry goods, hats and fabrics, etc. These guidelines are designed to assure safe handling of packages which, if the containers are inadequately closed or cannot withstand puncture, friction, or compression during normal handling operations, are subject to significant damage.

121.731 *Up to 5 Pounds.*

a. Softgoods in quantities up to five pounds should be packaged in cloth bags or paper bags or wraps (outer ply minimum 50 pounds basis weight), plastic bags (minimum two mil thick polyethylene or equivalent strength), paperboard or fiberboard boxes. Boxes must be filled to capacity.

b. Paper bags, plastic bags or wraps should be closed or vented in a manner to permit rapid compression of the pack.

c. Closure of bags may be by completely clinched staples, heat sealing, adhesives, sewing or tape. Improperly clinched staples will be removed to prevent injury to handling personnel and other mail.

d. Closure of boxes may be by staples, adhesives, tape, heat shrinking, or nonmetallic banding. Paper tape should be applied along all box flaps and closure seams. Equivalent strength plastic tape is also acceptable. Although shrink wrapping is not acceptable as the only means of packaging, it may be used on the exterior of otherwise acceptable boxes.

e. When the density of softgoods is less than four pounds per cubic foot in boxes, they should be reinforced in at least two of the longest directions.

121.732 *From 5 to 10 Pounds.*

a. Softgoods in this weight range should be packaged in cloth bags, paper bags or wraps (outer ply minimum 70 pounds basis weight) filament reinforced paper bags, plastic bags (minimum 4 mil thick polyethylene or equivalent strength), or fiberboard boxes.

b. The methods of closure of these containers should be as specified in 121.731c and 121.731d. Reinforced tape is ade-

quate for both closure and reinforcement.

121.733 *From 10 to 20 Pounds.*

a. Softgoods in this weight range should be packaged in paper bags or wraps (minimum 70 pounds basis weight paper), reinforced paper bags or cloth bags or fiberboard boxes with a minimum 175 pounds test board or equivalent.

b. Closure of boxes may be by staples, adhesives, except that the container should be reinforced or banded by the method which will provide the greatest support with reinforced paper tape, equivalent plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding. The use of reinforced tape is adequate for closure and reinforcement of these containers.

121.734 *From 20 to 45 Pounds.*

a. Softgoods in this weight range should be packaged as specified for the 10 to 20 pound weight range in 121.733a, except that fiberboard containers will be a minimum of 200 pound test board.

b. Closure should be as specified in 121.733b. Containers should be reinforced at two points to provide the greatest support with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding.

121.735 *From 45 to 70 Pounds.*

Softgoods in this weight range should be packaged, closed and reinforced as specified for the 20 to 45 pound range, except that fiberboard containers will be a minimum of 275 pound test board.

121.74 *Sound recordings.*

Sound recordings are defined for purposes of packaging only and not for purposes of mail classification as plastic, nonbreakable disc type records, normally 33⅓, 45, or 78 RPM, as well as magnetic tapes, normally used in home and auto sound reproducing equipment. These guidelines are designed to assure safe handling and reduce breakage and loss of destination markings.

121.741 *Records up to 10 pounds.*

a. Records in paperboard or chipboard shells will be packed in outer corrugated, fiberboard containers. The containers should be no less than ¼" thick.

b. Closure should be accomplished by the use of adhesives or kraft paper tape, equivalent plastic tape, or staples.

121.742 *Records from 10 to 20 pounds.*

Multiple shell containers should be closed as above in 121.741b except that the outer container should be reinforced in at least one direction with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding. The use of reinforced tape is adequate for closure and reinforcement of the outer container.

121.743 *Records from 20 to 40 pounds.*

Multiple shell containers will be packaged in 175 pound test fiberboard containers or equivalent and closed and reinforced as above in 121.741b except that the containers should be reinforced at two points with pressure sensitive filament or non-metallic banding to provide the greatest support.

121.744 *Records from 40 to 70 pounds.*

Mutiple shell containers up to 65 pounds will be packaged in 200 pound test fiberboard containers or equivalent and closed and reinforced as above in 121.743, except that containers will be reinforced approximately every eight inches around the package. Containers over 65 pounds will be 275 pound test fiberboard or equivalent.

121.75 *Acceptability of magnetic tape.*

Tape cassettes and cartridges are a problem because of inadequate containers for small quantities and failure to provide internal and external reinforcement of large quantities of tapes in a single parcel.

121.751 *Tapes up to five pounds.*

a. Individual tapes may be packaged in plastic film wrap (minimum 0.00075 mil), cushioned bags or cushioned and packaged in paper bags with a minimum basis weight of 60 pounds. Multiple tapes will be packed in outer fiberboard containers or chipboard containers (minimum 0.022 mil).

b. Closure will be accomplished by multiple friction closures, (e.g., the insertion of more than one flap or tab), completely clinched staples, heat shrinking, or adhesives, or by tape. Paper tape must be a minimum of 60 pounds basis weight kraft. Shrink wrapping is acceptable on the exterior of otherwise acceptable boxes of multiple tape shipments.

121.752 *Tapes from 5 to 10 pounds.*

In addition to the guidelines in 121.751, closure will be accomplished only by the use of adhesives, tape or staples.

121.753 *Tapes from 10 to 20 pounds.*

Packaging and closure will be as above in 121.752 for the five to ten pound range, except that the container should be reinforced or banded in a direction which will provide the greatest support with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding. The use of reinforced tape is adequate for closure and reinforcement of these containers.

121.754 *Tapes from 20 to 40 pounds.*

Tapes in this weight range will be packaged in fiberboard boxes of 175 pound test. Closure will be as above in 121.753 for the 10 to 20 pound range, except that the container will be banded or reinforced at two points with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding, to provide the greatest support.

121.755 *Tapes from 40 to 65 pounds.*

Tapes in this weight range up to 65 pounds will be packaged, closed and reinforced as above in 121.754 for the 20 to 40 pound range, except that fiberboard containers of at least 200 pound test board or equivalent will be used. Containers over 65 pounds will be 275 pound test fiberboard or equivalent.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposals are adopted.

(39 U.S.C. 401(2).)

W. ALLEN SANDERS,
Assistant General Counsel.

[FR Doc.77-27849 Filed 9-22-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 785-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maine Revision; Correction

In FR Doc. 77-26546, appearing at page 45935 in the issue for Tuesday, September 13, 1977, the effective date which now reads "September 13, 1977", should read "October 13, 1977".

[40 CFR Part 204]

[FRL 795-8]

NOISE EMISSION STANDARDS FOR CONSTRUCTION EQUIPMENT NEW WHEEL AND CRAWLER TRACTORS

Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of public comment period.

SUMMARY: This notice extends the public comment period regarding noise emission standards for new wheel and crawler tractors.

DATES: The close of comment date announced in 42 FR 35804, July 11, 1977, was September 30, 1977. The revised date is October 31, 1977.

ADDRESS: Persons wishing to submit comments should write to the following address: Director, Standards and Regulations Division (AW-471), Office of Noise Abatement and Control, Attention: Wheel and Crawler Tractor Docket No 77-2, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received, which are not identified as company proprietary in nature, will be open for public inspection during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth Feith, Chief, General Products Branch, Standards and Regulations Division (AW-471), U.S. Environmental Protection Agency, Washington, D.C. 20460 (703-557-2710).

SUPPLEMENTARY INFORMATION: Pursuant to section 6 of the Noise Con-

trol Act of 1972 (86 Stat. 1234), the Environmental Protection Agency published a notice of the proposed rulemaking, 42 FR 35804, dated July 11, 1977, for new wheel and crawler tractors. To afford interested persons an opportunity to participate in the rulemaking, the notice invited written submission of data, views or arguments relative to the proposed regulation. In addition, the notice announced the scheduling of two public hearings, August 29 in Philadelphia, Pa., and September 1 in Los Angeles, Calif., and extended an invitation to the public to attend the hearings to make their views known. To manage the comments received, the Agency announced, in 42 FR 35804, the establishment of Docket No. ONAC 77-2 with a closing date of September 30, 1977. The Agency has received many written requests from interested parties to extend the comment period beyond September 30. The Agency has carefully reviewed the requests, consistent with its commitments by statute and policy to maximum public participation in the rulemaking process and consistent with the very extensive testimony received during the public hearings, and concluded that an extension of the docket period would be in the public interest. Accordingly, this notice extends Docket No. ONAC 77-2 to 4:30 p.m., October 31, 1977.

Dated: September 19, 1977.

EDWARD F. TUERK,
Assistant Administrator for Air and Waste Management.

[FR Doc.77-27747 Filed 9-22-77;8:45 am]

[40 CFR Part 428]

[FRL 795-7]

TIRE AND SYNTHETIC SEGMENT OF THE RUBBER MANUFACTURING POINT SOURCE CATEGORY

Proposed Revocation of Pretreatment Standards for New Sources

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This rule proposes to revoke the pretreatment standards for new sources within the emulsion crumb rubber subcategory (Subpart B) and the solution crumb rubber subcategory (Subpart C) of the Rubber Manufacturing Point Source Category, 40 CFR Part 428. This action is in response to requests made by the Firestone Tire and Rubber Co. and the Goodyear Tire and Rubber Co. and will resolve issues raised in litigation instituted by those companies.

DATES: Comments by October 25, 1977.

ADDRESS: Send comments to: Robert Dellinger, Organic Chemicals Branch (WH-552), Effluent Guidelines Division, Environmental Protection Agency, Washington, D.C. 20460 (202-426-2554).

FOR FURTHER INFORMATION CONTACT:

Robert Dellinger, Organic Chemicals Branch (WH-552), Effluent Guidelines Division, Environmental Protection Agency, 202-426-2554.

SUPPLEMENTARY INFORMATION: On February 21, 1974, EPA published in the FEDERAL REGISTER (39 FR 6660) final effluent limitations guidelines under §§ 301 and 304 of the Federal Water Pollution Control Act (FWPCA), standards of performance for new sources under § 306 of the FWPCA, and pretreatment standards for new sources under § 307 (c) of the Act. Petitions for review were timely filed. *Goodyear Tire and Rubber Co.* v. *Train*, No. 74-2335 (2d Cir.); *Firestone Tire and Rubber Co.* v. *Train*, No. 74-2338 (2d Cir.).

The petitioners in those cases have pointed out to EPA several inadequacies in the data base underlying the pretreatment standards for new sources. In particular, it has been noted that the standards are based upon the application of biological treatment to the effluent from emulsion crumb and solution crumb synthetic rubber manufacturing, whereas these wastes will receive biological treatment at the publicly owned treatment works to which they will be discharged. The data necessary to revise the standards to remedy this deficiency are not available to the Agency at this time.

Moreover, the Agency is now in the process of establishing revised pretreatment standards for new sources under a consent agreement approved by the court in *Natural Resources Defense Council* v. *Train*, 8 E.R.C. 2120 (D.D.C. 1976). Under this agreement, EPA is required to promulgate effluent limitations, guidelines, new source performance standards, and pretreatment standards for 21 industries, focusing on 65 pollutants of particular concern. Thus, the standards which this notice proposes to revoke will be reissued not later than September 30, 1979. The studies supporting these future standards will determine whether or not any pollutants of concern are present in the waste streams of the rubber industry. If pollutants are found which merit treatment different from that which would be provided by normal secondary treatment, the pretreatment standards for new sources will include appropriate controls on these pollutants.

Under these circumstances, in light of the acknowledged defects in the regulations, EPA believes it is appropriate that they be revoked pending promulgation of revised regulations in accordance with the consent agreement.

Accordingly, Part 428 is proposed to be amended as follows:

Subpart B—Emulsion Crumb Rubber Subcategory

§ 428.26 [Revoked]

1. Subpart B is amended by revoking § 428.26.

Subpart C—Solution Crumb Rubber Subcategory

§ 428.36 [Revoked]

2. Subpart C is amended by revoking § 428.36.

Dated: September 16, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-27659 Filed 9-22-77;8:45 am]

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

[45 CFR Parts 1901, 1905]

NATIONAL WOMEN'S CONFERENCE

Rules of Order

AGENCY: National Commission on the Observance of International Women's Year.

ACTION: Proposed rules.

SUMMARY: The National Commission on the Observance of International Women's Year is directed by Pub. L. 94-167:

(1) To organize and convene a National Women's Conference;

(2) To fix the time and place for preliminary and preparatory State meetings and to designate a Coordinating Committee in each State to organize and conduct a State meeting;

(3) To establish regulations necessary to carry out its directions; and

(4) To ensure that the State Meetings select representatives to the National Women's Conference in accordance with the regulations of the Commission and consistent with the criteria set forth in Pub. L. 94-167.

Accordingly, the National Commission on the Observance of International Women's Year adopts the following rules for the conduct of the National Women's Conference.

DATES: Material submitted to the Rules Committee by October 12, 1977, will be considered.

ADDRESSES: Interested persons may submit written comments, suggestions, or data relating to these rules to Harry T. Edwards, Rules Committee, National Commission on the Observance of International Women's Year, D/IWY, Department of State, Washington, D.C. 20520, attention: General Counsel

FOR FURTHER INFORMATION CONTACT:

Linda Colvard Dorian, General Counsel, National Commission on the Observance of International Women's Year, D/IWY, U.S. Department of State, Washington, D.C. 20520 (202-632-9002).

SUPPLEMENTARY INFORMATION: The Rules Committee referred to in these rules is comprised of Martha Griffiths, Chair; Elizabeth Athanasakos, Substitute Chair; Harry T. Edwards, Substitute Chair; Bernice Frieder; Elizabeth Holtzman; Koryne Horbal; Mary

Anne Krupsak; Jean O'Leary; Gloria Scott; Eleanor Smeal; and Gerridee Wheeler. The Rules Committee proposes that the Credentials Committee appointed pursuant to these rules will be comprised of Elizabeth Athanasakos and Harry Edwards, Co-Chairs; Audrey Rowe Colom; Bernice Frieder; and Addie Wyatt.

It is therefore proposed to amend Part 1901 in 45 CFR, Chapter XIX, by adding paragraphs (f) and (g) to section 1901.1 and to establish Part 1905 in 45 CFR, Chapter XIX, in the manner set forth below.

PART 1901—GENERAL

Sec.
1901.1 Definitions of terms used in this chapter.
1901.2 Words importing gender.

AUTHORITY: E.O. 11832, 3 CFR 106, 40 FR 2415, January 13, 1975; Pub. L. 94–167, 89 Stat. 1003, December 23, 1975.

§ 1901.1 Definitions of terms used in this chapter.

(a) "Commission" means the National Commission on the Observance of International Women's Year, 1975, established by Executive Order 11832, 3 CFR 106, 40 FR 2415, January 13, 1975; Pub. L. 94–167, 89 Stat. 1003, December 23, 1975.

(b) "Conference" means the National Women's Conference to be organized and convened by the Commission in accordance with Pub. L. 94–167.

(c) "Coordinating Committee" means the Coordinating Committee in each State designated by the Commission to organize and conduct a meeting in the State in preparation for the National Women's Conference.

(d) "State" includes the fifty States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, unless otherwise specified.

(e) "State Meeting" means the meetings organized and conducted in each State by the Coordinating Committee in preparation for the National Women's Conference.

(f) "Act" means Pub. L. 94–167, 89 Stat. 1003, December 23, 1975.

(g) "Conference session," "plenary session," or "session" refers to the meetings which may be held at the following times:

Session I, November 19, morning.
Session II, November 19, afternoon.
Session III, November 19, evening.
Session IV, November 20, afternoon.
Session V, November 21, morning.

§ 1901.2 Words importing gender.

As used in this chapter, unless the context requires a different meaning, words importing the feminine gender include both genders.

PART 1905—NATIONAL WOMEN'S CONFERENCE, RULES OF ORDER

Subpart A—Call to Conference

Sec.
1905.1 Call to Conference.

Subpart B—Voting Delegates and Voting

Sec.
1905.2 Voting Body.
1905.3 No proxy voting.
1905.4 Method of voting.
1905.5 Identification Badges.

Subpart C—Registration for Plenary Session

1905.6 Registration.

Subpart D—Conduct of Conference Sessions

1905.7 Order of Business.
1905.8 Designated Seating.
1905.9 Quorum.
1905.10 Discussion and debate.
1905.11 Making Motions.
1905.12 Credentials Committee.
1905.13 Timekeepers.
1905.14 Floor Tellers.
1905.15 New Business.
1905.16 Minutes.
1905.17 Interpretation of Rules.
1905.18 Parliamentary Authority.
1905.19 Conference Officials.
1905.20 Committee of the Conference.

AUTHORITY: E.O. 11832, 40 FR 2415, January 18, 1975, Pub. L. 94–167, 89 Stat. 1003, December 23, 1975.

Subpart A—Call to Conference

§ 1905.1 Call to Conference.

The Commission shall determine the time, place and the agenda of the Conference and shall issue official notice thereof to the Chair and to the Recording Secretary of each Coordinating Committee, to all delegates, and to the general public.

Subpart B—Voting Delegates and Voting

§ 1905.2 Voting Body.

The voting body of the Conference shall consist of the following voting delegates:

(a) State delegates, certified as having been duly selected in accordance with applicable regulations;

(b) All current and past members of the Commission;

(c) Additional delegates-at-large designated by the Commission deemed necessary and appropriate to fulfill the requirements of Section 3(a) of Public Law 94–167;

(d) Alternate State delegates who have been properly certified in one of the following two ways:

(1) If the Commission receives proper notification by November 1, 1977, that a State delegate is unable to attend, the ranking alternate selected at the State Meeting will be permanently certified by the Commission as a State delegate; or

(2) The chair of the State delegation shall notify the Credentials Committee if she has been informed by a delegate in her State's delegation that such delegate is unable to attend or can no longer continue to participate in one or more sessions. Upon notification by the chair of the State delegation, the Credentials Committee will then certify the appropriate ranking alternate delegate present at the Conference as a delegate for her State for the appropriate session or sessions.

(3) In implementing the aforementioned rules, the following principles shall be controlling:

(i) An alternate has no right to participate as a voting delegate unless properly certified pursuant to § 1905.2(d)(1) or (2) above.

(ii) If a delegate has notified the chair of her State's delegation that she is unable to participate in any session and if she has been replaced by an alternate for that session according to the procedure in this section, she may not return and be recertified as a voting delegate during any such session.

(iii) There shall be no alternate delegates for current and past members of the Commission and delegates-at-large.

§ 1905.3 No proxy voting.

There shall be no proxy voting. No individual shall have more than one vote.

§ 1905.4 Method of voting.

The regular method of voting shall be by standing vote, except that individuals with physical limitations may vote by raising their hands. A majority vote of those present and voting shall be required in order to appeal any ruling of the chair. Two-thirds of those present and voting shall be required to authorize a roll call vote.

§ 1905.5 Identification Badges.

Voting delegates and alternates shall have photo identification badges.

Subpart C—Registration for Plenary Sessions

§ 1905.6 Registration.

All persons who attend the plenary sessions (including press) must comply with registration requirements, including registering with name, address, identification, and payment of any required fee. Upon compliance with registration requirements each registrant shall be issued an identification badge as voter, special guest, observer, press or staff. Badges shall not be transferable and they must be visible at all meetings. Badges shall not be altered in any fashion.

Subpart D—Conduct of Conference Sessions

§ 1905.7 Order of Business.

The Commission shall announce the initial order of business for the Conference when it issues the Call to the Conference according to § 1905.1. New business may be submitted and adopted in accordance with § 1905.15 and the Conference may suspend, amend, or add to the order of business only in accordance with § 1905.11.

§ 1905.8 Designated Seating.

Separate seating spaces shall be provided and clearly designated as follows:

(a) Current and past Commission members,

(b) State delegates, seated by State delegation,

(c) Delegates-at-Large,

(d) Alternate State delegates,

(e) Special guests,

(f) Official observers,

(g) Operational committees and Commission and Conference staff,

(h) Duly registered press and,

(i) Duly registered observers to the capacity of the meeting room.

Only persons wearing an appropriate badge shall be admitted to the plenary sessions by the Credentials monitors, and only to designated areas and at designated times in accordance with procedures established by the Commission and the Credentials Committee. Only voting delegates, authorized media personnel and authorized Commission and Conference staff shall be admitted to the floor for Conference sessions.

§ 1905.9 Quorum.

One-third of the duly registered voting delegates shall constitute a quorum for the plenary voting sessions.

§ 1905.10 Discussion and debate.

(a) In order to address the Conference, a voting delegate must address the chair, await recognition, give her name and identification and state whether she is speaking in the affirmative or the negative.

(b) Discussion on a motion or agenda topic shall be limited to two minutes for each speaker.

(c) No one may speak a second time on an issue until all others who wish to speak have had an opportunity to do so.

(d) Debate may be limited or terminated by a two-thirds vote of those voting delegates present and voting.

§ 1905.11 Making motions.

(a) Only properly certified voting delegates may speak to issues, make motions or vote. All motions, except on procedural matters, shall be written and signed by the person who makes the motion. The Chair may require such written motion before action is taken.

(b) A majority vote of those voting delegates present and voting shall be required to table, or to postpone indefinitely, or to object to consideration.

(c) Two-thirds of those voting delegates present and voting shall be required to suspend, amend, or add to the order of business.

§ 1905.12 Credentials Committee.

A Credentials Committee shall be appointed by the Rules Committee. The Credentials Committee shall have authority and responsibility to resolve any question of registration, voting rights, or admission to the Conference, and to report registrations to the Conference upon request of the Chair. Lists of State delegates and of delegates-at-large shall be provided to the Chair of the Credentials Committee prior to the opening of Conference registration. Duplications of such lists shall be prepared to facilitate the registration.

(a) No registrant will be permitted to obstruct the view or hearing of any other registrant by any device. Only persons authorized by the Commission shall be permitted to bring any electronic or sonic devices into the Conference. Any person violating these rules may be denied all Conference privileges and removed from the Conference.

(b) Any registrant may be requested at any time by the Credentials Committee to provide additional identification. The Credentials Committee may deny any or all Conference privileges to any registrant who lacks appropriate identification or abuses any Conference privilege or obstructs the orderly conduct of the Conferences.

(c) The Credentials Committee shall appoint sergeants-at-arms and credentials monitors as necessary to assist in the enforcement of the rules of the Conference.

§ 1905.13 Timekeepers.

Timekeepers shall be appointed by the Rules Committee to serve at all sessions. Their duty shall be to indicate to each speaker an appropriate warning before expiration of the time allowed.

§ 1905.14 Floor Tellers.

Floor tellers shall be appointed by the Rules Committee to count, tabulate and report standing count or roll call votes. The floor tellers shall be assigned to definite sections of the conference floor. A record of the vote shall be entered in the minutes. During a vote count only floor tellers will be permitted to move about. All other persons except voting delegates shall leave the voting area.

§ 1905.15 New business.

Subject matter not embraced within the adopted order of business, in the judgment of the Chair, may be brought up under the heading of new business at the final session. Any such new business shall be submitted to the Recording Secretary in writing prior to the close of the session before the last plenary session in order that it may be read to the Conference body at the start of the last plenary session. A majority vote of those voting delegates present shall be required to consider such new business.

§ 1905.16 Minutes.

The recording secretary, who shall be appointed by the Rule Committee, shall be responsible for the preparation of the official minutes for all plenary sessions. Tape recording shall be provided for all plenary session discussions to aid in the preparation of accurate minutes by the designated Recorder or Recorders. Minutes shall be approved by the Chair of the Session and by the Presiding Officer of the Commission or her designate.

§ 1905.17 Interpretation of Rules.

Any question regarding the interpretation of these rules shall be resolved by the Rules Committee.

§ 1905.18 Parliamentary authority.

(a) The Rules Committee shall appoint the parliamentarians who shall be advisors to the Chair. The rules in Roberts' Rules of Order Newly Revised, shall govern the plenary sessions of the Conference in all cases when not inconsistent with these rules.

(b) The format, agenda, order of business and seating arrangements shall be determined in all cases by the Commission. All discussion groups or other meetings of the Conference shall be governed by Roberts' Rules of Order Newly Revised whenever open debate is scheduled.

§ 1905.19 Conference Officials.

At each plenary session there shall be in attendance a Chair, Vice-Chair, a Federal officer, appointed pursuant to the requirements of the Federal Advisory Committee Act, the Chair of the Rules Committee or her designee, the Chair of the Credentials Committee or her designee, an official parliamentarian, time keepers, tellers, a recording secretary, and credentials monitors. The Chair and Vice-Chair for each plenary session shall be appointed by the Commission.

§ 1905.20 Committee of the Conference.

Pursuant to Section 3(b)(7) of Public Law 94-167 the Conference shall establish a Committee of the Conference which will take steps to provide for the convening of a second National Women's Conference.

Dated: September 20, 1977.

WILLIAM O. WALLACE,
Deputy General Counsel, National Commission on the Observance of International Women's Year.

[FR Doc.77-27893 Filed 9-22-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21393; RM-2864]

FM BROADCAST STATION IN TALLAHASSEE, FLORIDA

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: Action taken herein proposes the assignment of a fifth FM channel to Tallahassee, Florida. Petitioner, Plantation Radio, Inc., states that Tallahassee is a very rapidly growing city and therefore needs an additional channel.

DATES: Comments must be received on or before October 28, 1977, and reply comments must be received on or before November 17, 1977.

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

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, (202-632-7792).

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Tallahassee, Fla.) (Docket No. 21393, RM-2864) *Notice of proposed rule making.*

Adopted: September 13, 1977.
Released: September 15, 1977.

1. The Commission has before it a petition [1] filed March 23, 1977, by Plantatio Radio, Inc. ("petitioner"), licensee of AM daytime-only Station WCVC,[2] Tallahassee, Fla., proposing the assignment of Channel 240A as a fifth FM assignment to Tallahassee. The channel could be assigned to Tallahassee in conformity with our minimum distance separation requirements.[3] Oppositions were filed by WTAL, Inc., licensee of AM Station WTAL, and Amrad Corp., licensee of Station WOWD(FM) (Channel 276A), both in Tallahassee.

2. Tallahassee (pop. 71,897), capital of Florida and seat of Leon County (pop. 103,047),[4] is located in the center of northern Florida. It is served by four FM stations (3 Class C and one Class A): WOMA(FM), Channel 235, licensed to Walter Weeds Broadcasting Co.; WBGM (FM), Channel 255, licensed to Champtown Industries, Inc.; WOWD(FM), Channel 276A, licensed to Amrad Corp.; WGLF(FM), Channel 281, licensed to Tallahassee Broadcasting Co.; three AM daytime-only stations (WCVC, WONS, WANM); two full-time AM stations (WTAL, WTNT); and two educational stations: WAMF (Channel 213D) and WFSU (Channel 218C).

3. Petitioner states that there has been a 49-percent increase in the population of Tallahassee and a 38-percent increase in Leon County between 1960 and 1970. It notes that the county has manufacturing plants, retail stores and wholesale houses which indicates a sufficient amount of commercial activity to provide advertising support for an additional FM station. Petitioner adds that the small communities south of Tallahassee, where the channel also could be used, have an AM or FM station already, and it asserts that the proposed assignment would lie fallow unless it is made to Tallahassee.

4. In opposition, WTAL, Inc. ("WTAL") contends that under the criteria used in establishing the FM Table of Assignments, Tallahassee has its fair and equitable share of available FM channels. It claims that of the 231 cities within this population category as of the 1970 U.S. Census, only two have been assigned five commercial FM channels. WTAL asserts that petitioner does not attempt to show how the public interest would be served by departure from the normal FM assignment guidelines. It argues that it would be detrimental to the public interest since Tallahassee has neither the population nor the economic base to support a fifth commercial FM channel. WTAL contends further that the addition of a fifth channel would cause serious problems of audience fragmentation and revenue losses for the community's nine existing commercial stations. It states that, because of such economic impairment, there would be a decline in the quality of programming provided by such stations and the public would be injured rather than benefitted by assignment of the unnecessary proposed channel.

5. In opposition, Amrad Corp. ("Amrad") contends that petitioner fails to justify the proposed substantial deviation from the Commission's guidelines to offer any probative reason for assignment of an additional channel. It notes that petitioner's engineering study indicates that the proposed assignment would preclude otherwise possible use of the channel at four communities with populations over 1,000, one of which is a county seat and another of which has a population of over 2,000. It notes that none of those cities has its own aural service at the present time. Amrad argues that petitioner gives no indication of how it concluded that the proposed assignment would not be likely to be used by any community south of Tallahassee. Amrad claims that, as the only Class A FM licensee in Tallahassee, it is already at a severe disadvantage.

6. In reply, petitioner states that WTAL makes much of the population range in which Tallahassee now falls. Petitioner contends that FM channel assignments are made prospectively and that Tallahassee is a very rapidly growing city, which on the basis of present trends, can be expected to exceed 100,000 population within a few years. Petitioner states that there has been a 16-percent increase in population in Tallahassee between 1970–1975 and a 21-percent increase in Leon County over the same period.[5]

7. *Preclusion Studies:* Petitioner's engineering study indicates that preclusion would occur only on Channel 240A. One community [6] with a population greater than 2,500 would be precluded. It has a full-time AM station and an FM station. Four communities [7] with populations greater than 1,000 but less than 2,500 would be precluded. None of these communities has a broadcast facility.

8. The request for a fifth FM assignment to a community of 71,897 persons exceeds the FM population guidelines which call for two to four assignments for a city of this size. However, the proposal is being advanced for the purpose of determining whether such an assignment is warranted and whether the public interest would be served by making the additional assignment. Since the community is already intermixed with a Class A and Class C channels, we are willing to consider a second Class A assignment. However, in order to determine whether or not preclusion would be an impediment, petitioner should indicate whether there are alternate channels available for assignment to the four communities in the precluded area which have no local broadcast service. Petitioner is also requested to substantiate its claim of Tallahassee's need for an additional assignment by offering data regarding anticipated population and economic growth in the area. Full documentation should be given as to the source of this data and the basis upon which the projections were made.

9. Accordingly, the Commission proposes to amend section 73.202(b) of the Commission's Rules, the FM Table of Assignments, with regard to Tallahassee, Fla., as follows:

City	Channel No.	
	Present	Proposed
Tallahassee, Fla.	235, 255, 276A, 281	235, 240A, 255, 276A, 281

10. Authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before October 28, 1977, and reply comments on or before November 17, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, setcion 73.202 (b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial coments. The proponent of a proposed assignmnet is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cu-toff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s)

[1] Public Notice of the petition was given on April 12, 1977 (Rept. No. 1038).

[2] Station WCVC formerly had the call letters WMEN.

[3] Two applications for Channel 240A at Valdosta, Georgia (BPH–9589 and BPH–9761) are pending, grant of either which may affect the transmitter site location of the proposed assignment to Tallahassee.

[4] Population figures are taken from the 1970 U.S. Census.

[5] Citing U.S. Bureau of the Census, Population Estimates and Projections, 1975, Series P25, No. 657.

[6] Quincy, Fla. (pop. 8,334).

[7] *Florida:* Havana (pop. 2,022); Wewahitchka (1,733); Eastpoint (1,188); Carrabelle (1,044).

in this Notice, they will be considered as comments in the proceedings and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-27850 Filed 9-22-77;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 AGRICULTURE

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

Public Hearings

Notice is hereby given of the intent of the Department of Agriculture to hold public hearings on the Child Nutrition Programs. The purpose of the hearings will be to consider public comments and concerns about the operations, procedures and effectiveness of the Child Nutrition Programs including the following areas:

Proposed Meal Patterns for the National School Lunch Program
Meal Quality and Plate Waste
School Breakfast Program
Summer Food Service Program for Children
Child Care Food Program
Nutrition Education
Competitive Foods
Training and Staffing Needs
Administrative Workload
Financial Support and Cost to Participate
Student, Parent and Community Involvement
Federal, State, and Local Relationships
Equipment Assistance
State Administrative Expenses
Other School Lunch Issues
Commodity Supplemental Feeding Program

The Child Nutrition Programs provide cash and food assistance to help support food services to children in public and nonprofit private schools, residential child care institutions, summer day camps, child care centers, as well as family and group day care homes. The programs are administered through State educational agencies, alternate State agencies, and in some cases the Food and Nutrition Service Regional Offices.

All hearings will be held between the hours of 9 a.m. and 5 p.m. on the dates and at the locations listed below:

October 25 and 26—Chicago, Ill., Illinois Department of Education and Registration; Examination Room No. 2, 17th Floor, 55 E. Jackson Blvd.
October 25 and 26—New York, N.Y., Federal Building, 26 Federal Plaza S.C.G., Room 350 A.
October 27 and 28—Denver, Colo., Old Post Office Building, 1823 Stout Street, Auditorium Room 269.
October 27 and 28—Boston, Mass., Faneuil Hall, 1 Dock Square, Merchants Row.
November 1 and 2—Atlanta Ga., Atlanta Civic Center, Room 201, 395 Piedmont Avenue NE.
November 1 and 2—San Francisco, Calif., Custom House, Room 503, 555 Battery Street.
November 3 and 4—Seattle, Wash., Federal Building, 915 Second Avenue, Room 514.
November 3 and 4—Dallas, Tex., HEW Federal Building, 1100 Commerce Street, Room 7A23.

Persons interested in speaking at the hearings or submitting written statements should call the appropriate regional information directors for the Food and Nutrition Service at the toll-free numbers listed below. These will be in service beginning October 15. Limited funds will be available from the Food and Nutrition Service to enable low-income individuals to testify at the nearest hearing site. Funds will be made available on a first-come, first-served basis to private citizens who might otherwise be unable to attend and testify because of financial hardships. Further information on obtaining these funds may be obtained by calling the toll-free numbers.

Please indicate which hearing you will attend, who will be speaking on your behalf, and approximately how long your testimony will be. Written comments may be submitted before November 7 by those who wish to comment but are unable to attend one of the hearings in person.

The appropriate Regional Information Director and toll-free (collect or local) number to contact for your State are:

NEW ENGLAND REGIONAL OFFICE

Catherine Jensen, 34 Third Avenue, Burlington, Mass. 01803.
From Massachussetts, call toll-free: 1-800-842-1343.
From Connecticut, Maine, New Hampshire, Rhode Island, or Vermont, call toll-free 1-800-225-1127.

MID-ATLANTIC REGIONAL OFFICE

Joseph H. Dunphy, 1 Vahlsing Center, Route 256, Robbinsville, N.J. 08691.
From New Jersey, call toll-free: 1-800-792-8808.
From Delaware, District of Columbia, Maryland, New York, Pennsylvania, Virginia, or West Virginia, call toll-free: 1-800-257-9111.
From Puerto Rico or the Virgin Islands, call collect: 809-753-4487.

SOUTHEAST REGIONAL OFFICE

Ted Hightower, 1100 Spring Street NW., Atlanta, Ga. 30309.
From Georgia, call toll-free: 1-800-282-0414.
From Alabama, Florida, Kentucky, Mississippi, North Carolina, South Carolina, or Tennessee, call toll-free: 1-800-241-1755.

MIDWEST REGIONAL OFFICE

Russell T. Forte, 536 South Clark Street, Chicago, Ill. 60605.
From Illinois, call toll-free: 1-800-972-3188.
From Indiana, Michigan, Minnesota, Ohio, or Wisconsin, call toll-free: 1-800-621-3199.

SOUTHWEST REGIONAL OFFICE

Ronald J. Rhodes, 1100 Commerce Street, Dallas, Tex. 75242.
From Texas, call toll-free: 1-800-492-9720.
From Arkansas, Louisiana, New Mexico, or Oklahoma, call toll-free: 1-800-527-7223.

MOUNTAIN PLAINS REGIONAL OFFICE

Craig Forman, 2420 West 26th Avenue, Suite 415-D, Denver Colo. 80211.
From Colorado, call toll-free: 1-800-332-8766.
From Iowa, Kansas Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, or Wyoming, call toll-free: 1-800-525-8222.

WESTERN REGIONAL OFFICE

Benedicto Montoya, 550 Kearny Street, Room 400, San Francisco, Calif. 94108.
From California, call toll-free: 1-800-652-1675.
From Arizona, Idaho, Nevada, Oregon, or Washington, call toll-free: 1-800-227-4982.
From Alaska, call collect: 415-556-7391.
From Guam, call 477-7589.
From Trust Territory, ask for overseas operator, call to Guam, collect: 477-7589.
From Hawaii, call collect: 546-3144.
From American Samoa, call collect to Hawaii, 808-546-3144.

Dated: September 21, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-27992 Filed 9-22-77;8:45 am]

Rural Electrification Administration

COOPERATIVE POWER ASSOC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $11,100,000 to Cooperative Power Association of Minneapolis, Minnesota, to finance the construction of a 47 MW combustion turbine and related facilities near Waterford Township, Carver County, Minnesota.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain engineering and economic information on the proposed project including the proposed schedule for loan advances to CPA and projected financial forecast data relating to CPA's operations from Mr. T. V. Lennick, Manager, Cooperative Power Association, 3316 West 66th Street, Minneapolis, Minnesota 55435.

In order to be considered, proposals must be submitted on or before October 25, 1977, to Mr. Lennick. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Cooperative Power Association and REA deem appropriate. Prospective lenders are advised that the guaranteed financ-

ing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C. this 14th day of September 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-27410 Filed 9-22-77;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Policy Deview, Office of the Director of Policy Review, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.77-27359 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Intelligence Policy, Office of the Assistant Director for Intelligence Policy, Office of the Director of Policy Review, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.77-27360 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant for Space Policy Coordination, Office of the Special Assistant for Space Policy Coordination, Office of the Director of Policy Review, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.77-27361 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Counterintelligence and Security Policy, Office of the Assistant Director for Counterintelligence and Security Policy, Office of the Director of Policy Review, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.77-27362 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Communications, Command and Control Policy, Office of the Assistant Director for Communications Command and Control Policy, Office of the Director of Policy Review, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.77-27363 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (House Affairs), Office of Deputy Assistant Secretary (House Affairs), Office of Assistant Secretary (Legislative Affairs), Office of the Secretary of Defense.

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

[FR Doc.77-27364 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Senate Affairs), Immediate Office, OASD (Legislative Affairs), Office of the Secretary of Defense.

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

[FR Doc.77-27365 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Executive Director, OSD Staff, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.77-27366 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary and Deputy Secretary of Defense, Immediate Office, Office of the Secretary of Defense.

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

[FR Doc.77-27367 Filed 9-22-77;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

Notice of Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Community Services Administration to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Special Assistant to the Director for

Transition Planning, Office of the Director.

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

[FR Doc.77-27717 Filed 9-22-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation, Immediate Office, Office of the Assistant Secretary for Legislation, Office of the Secretary.

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

[FR Doc.77-27637 Filed 9-22-77;8:45 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director, Community Youth Employment Programs, Office of Youth Programs, Employment and Training Administration.

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

[FR Doc.77-27634 Filed 9-22-77;8:45 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Director, Job Corps and National Young Adult Conservation Corps, Office of Youth Programs, Employment and Training Administration.

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

[FR Doc.77-27635 Filed 9-22-77;8:45 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Administrator, Office of Youth Programs, Employment and Training Administration.

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

[FR Doc.77-27636 Filed 9-22-77;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Closed Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 6, 1977.
Thursday, October 13, 1977.
Thrusday, October 20, 1977.
Thursday, October 27, 1977.

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collor employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in Section 5347 of the Prevailing Rate Act of 1972 (Pub. L. 92-392).

The Committee's primary responsibility is to review the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the Committee will consider proposed plans for implementation of the Prevailing Rate Act of 1972 (Pub. L. 92-392), which Law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552b(c)(9)(B), that the closing is necessary in order to provide this labor-managment Committee with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

Summary minutes of these meetings will be made available to the public, upon written request to the Committee Secretary, after the pay policy issues discussed at these meetings have been finalized by Civil Service Commission action. Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street NW., Washington, D.C. 20415 (202-632-9710).

JEROME H. ROSS,
Chairman, Federal Prevailing Rate Advisory Committee.

SEPTEMBER 19, 1977.

[FR Doc.77-27643 Filed 9-22-77;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Community Services Administration to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Chief Executive Assistant, Office of the Director.

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

[FR Doc.77-27638 Filed 9-22-77;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Community Services Administration to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Special Assistant to the Director for Management, Office of the Director.

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

[FR Doc.77-27641 Filed 9-22-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service one position of Special Assistant to the Administrator, Office of the Administrator.

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

[FR Doc.77-27639 Filed 9-22-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Legislation (Congressional Liaison), Office of the Assistant Secretary for Legislation, Office of the Secretary.

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

[FR Doc.77-27640 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Title Change in Noncareer Executive Assignment

By notice of June 3, 1969, FR Doc. 69-6486, the Civil Service Commission authorized the Department of Defense to fill by noncareer executive assignment the position of Director of Small Business and Economic Utilization Policy, ODAS (Procurement), OASD (Installations and Logistics), Office of the Secretary of Defense. This is notice that the title of this position is now being changed to Assistant Director of Small Business and Economic Utilization Policy, Office of Deputy Director (ODDRE) (Acquisition Policy), Office of Director, Defense Research and Engineering, Office of the Secretary of Defense.

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

[FR Doc.77-27642 Filed 9-22-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

JOSEPH W. KENT, ET AL.

Order Regarding Export Privileges Restored

In the matter of Joseph W. Kent, Kent Foreign Trade Ltd., ABC Spare Parts Co., American British & Canadian Spare Parts Co., Brentgreg Ltd., Fellgower Ltd., Jilcliffe Ltd., Newman P. R., Newman S. E., Newman & Newman, Rylodge Ltd., respondents.

Pursuant to the Export Control Act of February 28, 1949, as amended and supplemented by the Export Administration Act of 1969, 50 U.S.C. App. 2401 et seq., the above named parties were denied all U.S. export privileges, 28 FR 6515, 10432, 12591, (June 25, Sept. 26, Nov. 23, 1963), 33 FR 4750 (March 20, 1968). Their names appear on the Table of Denial and Probation Orders List, 15 CFR Part 388, Supp. I and II.

The Director, Compliance Division, reports that respondents are not now suspect or known to be in violation of the U.S. export laws or regulations.

The Hearing Commissioner, in view of that report, recommends respondents be restored to full export privileges.

I have examined the report and recommendations of the Commissioner. The record fails to disclose any adverse report. Nor are respondents presently suspect in connection with any violation of the United States export laws or U.S. Department of Commerce export regulations. Therefore, pursuant to the authority delegated to me by the Export Administration Regulations: *It is ordered*

Respondents are hereby unconditionally restored to all United States export privileges.

Dated: September 14, 1977.

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

[FR Doc.77-27796 Filed 9-22-77;8:45 am]

LOUIS VANDERVEKEN, ET AL.

Order Regarding Export Privileges Restored

In the matter of Louis Vanderveken, L. DeGraeve, E. Van Eeckhoven, Allimex, Equipment et Materiaux Modernes, Minexi S.P.R.L., Societe Commerciale d'Afrique, respondents.

Pursuant to the Export Control Act of February 28, 1949, as amended and supplemented by the Export Administration Act of 1969, 50 U.S.C. App. 2401 et seq. the above named parties were denied all U.S. export privileges, 26 F.R. 11844 (Dec. 9, 1961), 27 F.R. 10005 (Oct. 11, 1962), 32 F.R. 15717 (Nov. 15, 1967). Their names appear on the Table of Denial and Probation Orders List, 15 CFR, Part 388, Supp. I and II.

The Director, Compliance Division reports that respondents are not now suspect or known to be in violation of the U.S. export laws or regulations.

The Hearing Commissioner, in view of that report, recommends respondents be restored to full export privileges.

I have examined the report and recommendations of the Commissioner. The record fails to disclose any adverse report. Nor are respondents presently suspect in connection with any violation of the United States export laws or U.S. Department of Commerce export regulations. Therefore, pursuant to the authority delegated to me by the Export Administration Regulations: *It is Ordered*

Respondents are hereby unconditionally restored to all United States export privileges.

Dated: September 14, 1977.

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

[FR Doc.77-27798 Filed 9-22-77;8:45 am]

WOODHAM TRADING LTD., ET AL.

Order Regarding Export Privileges Restored

In the matter of Woodham Trading Ltd., Associated Electronics Buying Services Ltd., Frank C. Beven, Commodity Export, Ltd., Glovet Traders Ltd., Gerald M. Hammerson, J.P.M. Spares Co., Ltd., Jack Meerloo, Politprude Ltd., William R. Rumbold, G.M.T. Friction Materials Ltd., respondents.

Pursuant to the Export Control Act of February 28, 1949, as amended and supplemented by the Export Administration Act of 1969, 50 U.S.C. App. 2401 et seq., the above named parties were denied all U.S. export privileges, 31 FR 8501, 10902, 13359, 15708 (June 17, Aug. 16, Oct. 14, Dec. 13, 1966), 36 FR 5443 (March 23, 1971). Their names appear on the Table of Denial and Probation Orders List, 15 CFR Part 388, Supp. I and II.

The Director, Compliance Division, reports that respondents are not now suspect or known to be in violation of the U.S. export laws or regulations.

The Hearing Commissioner, in view of that report, recommends respondents be restored to full export privileges.

I have examined the report and recommendations of the Commissioner. The record fails to disclose any adverse report. Nor are respondents presently suspect in connection with any violation of the United States export laws or U.S. Department of Commerce export regulations. Therefore, pursuant to the authority delegated to me by the Export Administration Regulations: *It is Ordered*

Respondents are hereby unconditionally restored to all United States export privileges.

Dated: September 14, 1977.

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

[FR Doc.77-27795 Filed 9-22-77;8:45 am]

National Oceanic and Atmospheric Administration

SPARKY'S SCHOOL OF SEALS

Issuance of Permit To Take Marine Mammals

On April 25, 1977, notice was published in the FEDERAL REGISTER (42 FR 21133), that an application had been filed with the National Marine Fisheries Service by Sparky's School of Seals, Route 4, Box 562, Carthage, Mo. 64836 for a permit to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on September 19, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Sparky's School of Seals, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731; and
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 94550 Candy Boulevard, St. Petersburg, Fla. 33702.

Dated: September 19, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-27758 Filed 9-22-77;8:45 am]

SEA WORLD, INC.

Issuance of Permit for Marine Mammals

On March 4, 1977, notice was published in the FEDERAL REGISTER (42 FR 12354) that an application had been filed with the National Marine Fisheries Service by Sea World, Inc., San Diego, Calif. 92109, for a Permit to take and import ten (10) false killer whales (*Pseudorca crassidens*) for the purposes of scientific research and public display.

Notice is hereby given that, on September 16, 1977, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking and importing to Sea World, Inc., subject to certain conditions set forth therein.

This Permit is available for review by interested persons in the following offices:

Director, National Marine Fisheries Service, 3300 Whitehaven Street Northwest, Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Fla. 33702;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731; and
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Wash. 98109.

Dated: September 16, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-27759 Filed 9-22-77;8:45 am]

R. ROBERT RAYNO

Pre-Act Endangered Species Products: Issuance of Certificate of Exemption

On August 2, 1977, notice was published in the FEDERAL REGISTER (42 FR 39131) that an application had been filed with the National Marine Fisheries Service by R. Robert Rayno of Westport, Massachusetts, for a Certificate of Exemption to engage in certain commercial activities with respect to his declared inventory of pre-Act endangered species products. Notice is hereby given that on September 22, 1977, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94-359), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued a Certificate of Exemption to R. Robert Rayno, 735 Main Road, Westport, Massachusetts 02790.

The Certificate of Exemption is available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

Dated: September 20, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-27882 Filed 9-22-77;8:45 am]

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

The South Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet October 13-14, 1977, at Howard Johnson's Motor Lodge, 2101 Century Drive, Raleigh, North Carolina. The meeting starts at 9:00 a.m. on October 13, and will adjourn at about 5:00 p.m. on October 14.

Proposed Agenda: (1) Discussion of progress on management plans for billfish, snapper-grouper, king and Spanish mackerel; (2) Future management units to be addressed; and (3) Other Council business.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact Mr. Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, S.C. 29407. Telephone: (803) 571-4366.

Dated: September 20, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-27881 Filed 9-22-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ADJUSTING CHARGES AGAINST THE IMPORT RESTRAINT LEVELS FOR CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

SEPTEMBER 21, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing the import charges against the restraint level for Category 229 (coats, not knit) and charging them to Category 240 (other wearing apparel, not knit) during the agreement year which began on October 1, 1976. (A detailed description of the Categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).)

SUMMARY: On January 1, 1977 a list of changes became effective in the Tariff Schedulues of the United States Annotated numbers which affected the arrangement of the cotton, wool and man-made fiber textile product categories used by the United States in administering the textile trade agreements program. Among the changes, T.S.U.S.A. number 376.5610, formerly included within Category 240, was moved to Category 229.

Pursuant to the terms of the Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, the Government of the United States has agreed to continue charging imports in T.S.U.S.A. number 376.5610 to the level of restraint established for Category 240, instead of Category 229, during the agreement period which began on October 1, 1976.

EFFECTIVE DATE: September 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-5423).

SUPPLEMENTARY INFORMATION: On December 30, 1976 (41 FR 56881) and January 21, 1977 (42 FR 3888), there were published in the FEDERAL REGISTER notices announcing changes in the list of T.S.U.S.A. numbers contained in the textile categories used by the United States in administering the textile trade agreements program. These changes which were effective on January 1, 1977 included replacing T.S.U.S.A. number 376.5600 (contained in Category 240) with T.S.U.S.A. numbers 376.5610 (moved to Category 229) and 376.5620 (left in Category 240).

In the letter published below, the Commissioner of Customs is directed, in accordance with the provisions of the bilateral agreement, further to adjust the charges against the restraint level for Category 229 during the agreement period which began on October 1, 1976. These charges were previously adjusted by letter of September 2, 1977 for the period January 1, 1977 through July 31, 1977. The present adjustment cover the period, August 1, 1977 through September 26, 1977.

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements, United States Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS,
September 21, 1977.

DEAR MR. COMMISSIONER: To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, it would be appreciated if you would deduct an additional 46,186 dozen from the charges to the level of restraint established for Category 229 during the agreement period which began on October 1, 1976. This adjustment is to become effective on September 26, 1977 and covers the period beginning on August 1, 1977 and extending through the effective date.

Sincerely,

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.77-28009 Filed 9-22-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Additions

AGENCY: Committee for Purchase from the Blind and other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1977 commodities to be produced by and a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 23, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On June 10, June 24, July 22, and August 5, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 29947), (42 FR 32288), (42 FR 37586) and (42 FR 39696) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodities and service are hereby added to Procurement List 1977:

CLASS 7530

Pad, Writing Paper (Easel) (IB), 7530-00-619-8880 (for GSA Supply Distribution facilities in Regions 2, 3 and 4 only).

CLASS 7210

Pillow, Bed (IB), 7210-01-035-3342.

CLASS 7510

Binder, Looseleaf (IB), 7510-00-084-5787.

SIC 7349

Janitorial/Custodial Services (SH), ERDA Offices at Rogers Hotel and First Street Building, Idaho Falls, Idaho.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-27795 Filed 9-22-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 a service to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 26, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

This notice supersedes the notice of proposed addition of the following service published in the FEDERAL REGISTER on September 9, 1977 (42 FR 45358).

It is proposed to add the following service to Procurement List 1977, November 18, 1976 (41 FR 50975):

SIC 0782

Grounds Maintenance, areas 1 through 24 only, Presidio of Monterey, Calif.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-27794 Filed 9-22-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The following is a list of environmental impact statements received by the Council on Environmental Quality from September 12th to September 16, 1977. The date of receipt for each statement is noted in the statement summary Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (November 7, 1977). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Dack, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250 (202-447-6827).

FOREST SERVICE

Draft

Ouachita National Forest Timber Plan, Arkansas and Oklahoma, September 12: The proposed action is to manage, administer, and utilize the timber resource of the Ouachita National Forest from October 1, 1977 through September 30, 1987. The Ouachita National Forest contains 1,575,291 acres of National Forest land and is located in Sebastian, Logan, Yell, Perry, Saline, Garland, Hot Spring, Pike, and Scott Counties, Ark., and in LeFlore and McCurtain Counties, Okla. Major actions include harvesting 153,000,000 board feet of timber, regenerating about 17,000 acres to pine and hardwood, thinning about 23,000 acres of immature timber stands, and construction of 125 miles of new roads. (ELR Order No. 71122.)

Big Bear Basin Unit, San Bernardino National Forest, San Bernardino County, Calif., September 15: This statement consists of five proposed land use alternatives for the Big Bear Planning Unit within the Big Bear Ranger District of the San Bernardino National Forest. The alternatives apply to 30,665 acres of National Forest lands, and range from providing for the lowest scale of recreation development and production of goods

and services which meet minimum demands, to emphasizing maximum recreation-development and production of goods and services which meet maximum demands. The environmental effects vary among the different alternatives proposed. (ELR Order No. 71135.)

Deschutes National Forest Management Plan, several counties, Oreg., September 16: Proposed is the selection and subsequent implementation of a comprehensive land management plan for four planning units on the Deschutes National Forest. The planning units are in Jefferson, Deschutes, Klamath, and Lake Counties, Oreg. A wilderness land use alternative for three contiguous and combined roadless areas on the adjacent Umpgua and Willamette National Forest is also presented. The preferred alternative features a mix of land uses and is presented in contrast to four other alternative plans (ELR Order No. 71142.)

Final

Sierra Ski Ranch, Eldorado National Forest, El Dorado County, Calif., September 13: Proposed is the expansion of a ski area near Echo Summit in the Eldorado National Forest. The area is located in El Dorado County, Calif., and is accessible by U.S. Highway 50. Ultimate development, as proposed by the permitee, would include: 14 chair lifts, maximum capacity of about 9,500 people at one time, 176 acres of ski runs, 2 day lodges, 1 warming hut, parking for 3,000 cars, and associated facilities such as sewage disposal system, water supply and maintenance buildings. Approximately 1,800 acres of National Forest land and 15 to 20 acres of private land would be included in the project boundary. Adverse effects include a reduction in wildlife numbers. Comments made by: USDA, EPA, DOI, State and local agencies and concerned groups and individuals. (ELR Order No. 71124.)

Lowell Planning Unit, Clearwater National Forest, Idaho County, Idaho, September 16: The proposed action is the selection and implementation of a land use plan for the Lowell Unit, Lochsa Ranger District, Clearwater National Forest, Idaho. The planning unit includes 150,240 gross acres of which 145,040 acres are National Forest and 5,200 acres are private land. Alternative 6 was selected from a field of 8; this plan provides for a mixture of land allocations over the planning unit. Adverse effects include the removal of 94,300 acres of roadless area from further consideration for wilderness study and a reduction in the amount and quality of resident and anadromous fish. Comments made by: AHP, COE, EPA, DOC, DOI, FPC, State and local agencies, and concerned groups and individuals. (ELR Order 71141.)

Algaecide Treatment, Snow & Quemado Lakes, Gila National Forest, Catron County, N. Mex., September 12: Proposed is the implementation of a blue green algae control program for Snow and Quemado Lakes located on Gila National Forest, Catron County, N. Mex. The project calls for utilization of a copper sulfate algaecide for a limited one-year period and allows for utilization of either Simazine or Hydrathol on a long-term basis. The objective is to prevent massive buildups of blue green algae thereby maintaining the valuable recreational and fishery resources. Adverse impacts include possible effects on non-target organisms, potential buildup of copper to toxic levels, and introduction of small amounts of chemicals into the Gila Wilderness. Comments made by: DOI, EPA, State and local agencies, and environmental groups. (ELR Order No. 71120.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Merom Generating Sta. & Associated Transmission, Sullivan County, Ind., September 12: Proposed is the granting of loan guarantees to the Hoosier Energy Division of Indiana Statewide R.E.C., Inc., to construct and operate a 980 MW (2,490 MW units) coal-fired, steam-electric generating station. Associated with the generating station is a dam and reservoir on Turtle Creek with a reservoir surface area of 1550 acres at normal elevation 470, and an intake structure on the Wabash River. A 345-kv transmission line from Merom to Worthington will be required in conjunction with the operation of the first unit, scheduled for 1980. Adverse effects include release of some oxides of surfur and nitrogen, along with a small amount of particulate matter. Comments made by: USDA, DOT, DOI, COE, EPA, and concerned interest groups. (ELR Order No. 71119.)

SOIL CONSERVATION SERVICE

Draft

Lake Verret Watershed (2), Ascension, Assumption, and Iberville Parishes, La., September 6: Proposed is a project for watershed protection, flood prevention, and drainage in Ascension, Assumption, and Iberville Parishes, La. Approximately 168 miles of channel work with appurtenant measures, structures for water control, and measures to minimize adverse effects to fish and wildlife will be installed. There will be a loss of about 29 acres of Type 7 Wetland due to project channel rights-of-way; channel rights-of-way required for construction will occupy about 5 acres. Additional effects include the clearing of 1,200 acres of forest land, a reduction in air quality, frequent flooding, and the removal of vegetation from 348 acres. (ELR Order No. 71108.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202-377-4335).

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Virgin Islands Coastal Zone Management, Virgin Islands, September 14: The proposed action consists of approval and implementation of the Coastal Management Program of the Virgin Islands. Implementation of the project will restrict or prohibit certain land and water uses in parts of the Virgin Islands coast, while promoting and encouraging development and use activities in other parts. The program will provide an improved decision-making process for determining coastal land and water uses and siting of facilities of national interest, and will lead to increased long-term protection and benefit from the State's coastal resources. Comments made by: DOC, COE, DOI, DOT, and concerned individuals. (ELR Order No. 71129.)

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL MARINE FISHERIES SERVICE

The following list of "Supplement to the Final's, received by the Council on September 2, was omitted from the CEQ FEDERAL REGISTER listing of Friday, September 9: Trawl Fishery, Gulf of Alaska (S-1) (ELR Order No. 71150); Trawl & Herring Fisheries, Bering/NE Pacific (S-1) (ELR Order No. 71151); Foreign Trawl Fishery, NW Atlantic (S-1) (ELR Order No. 71152); King & Tanner Crab, E. Bering Set (S-1) (ELR Order No. 71153); Sablefish Fishery, Bering Sea and NE Atlantic (S-1) (ELR Order No. 71154); Atlantic Herring Fishery, NW Atlantic (S-1) (ELD Order No. 71155); Squid Fishery, NW Atlantic (S-1) (ELR Order No. 71156); Trawl Fisheries, Was/Ore/Cal (S-1) (ELR Order No. 71157); Hake Fisheries, NW Atlantic (S-1) (ELR Order No. 71158); Mackerel Fishery, NW Atlantic (S-1) (ELR Order No. 71159).

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202-693-6795).

Draft

Cleveland Harbor Modification (2), Ohio, September 14: This statement is a revision of a draft EIS filed with CEQ in February 1976 relating to the Cleveland Harbor Navigation Project in Cleveland, Ohio. The proposed construction project will include widening and deepening the main entrance channel, deepening the East Basin, constructing an East Basin lake approach and entrance channel, and constructing a dike to contain the dredged sediments, if they are polluted. A 1,200-foot rubblemound spur breakwater will be constructed at the east end of the East Breakwater while 400 and 500 feet of the West and East main entrance spur breakwaters respectively, will be removed. (Buffalo District.) (ELR Order No. 71127.)

Tillamook South Jetty Extension, Tillamook County, September 12: Proposed is the extension of the south jetty at the entrance of Tillamook Bay an additional 1,500 feet to a point nearly opposite the north jetty. Channel width would be maintained at 1,200 feet. The jetty would be constructed to an elevation of 18 feet above mean lower low water with a crust width of 30 feet. Adverse effects include reduced tidal interchange which would alter the flushing rate and could result in reduction of the Bay's productivity. Approximately 6.75 acres of bottom habitat would be covered by the proposed extension. (Portland District.) (ELR Order No. 71121.)

Final

Wilmington Harbor, N.C., Brunswick and New Hanover Counties, N.C., September 14: Proposed is the continuation of a project in the lower Cape Fear River, which removes shoals from the channel and places the dredged material on designated riverine island and mainland disposal sites. The project is intended to permit deep draft navigation. Also proposed is a series of islands for bird nesting. Adverse impacts include loss of bottom organisms, disturbance of disposal area biota, turbidity and water quality degradation, and the loss of valuable estuarine river bottom (Wilmington District). Comments made by EPA, DOI, USCG, FPC, USDA, DOC, FEA, HEW, State agencies. (ELR Order No. 71131.)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Ed Johnson, Head, Environmental Impact Statement/RDT&E Branch, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350, 202-697-3689.

Final

Elk Hills/Sohio Pipeline, California, September 16: Proposed is a crude oil convey-

ance system from Naval Petroleum Reserve No. 1 (Elk Hills), Tupman, Calif., to the SOHIO pipeline connection near Colton, Calif. This project was chosen from 3 alternatives discussed in the draft EIS. Implementation of the project involves the construction and operation of a tank farm with pump station at Elk Hills, a tank farm at Cajon, the SOHIO Delivery Facility, and an interconnecting pipeline with intermediate pump station between the tank farms and connection in the vicinity of Colton, Calif. Adverse effects include increased hydrocarbon emissions, loss of vegetation and wildlife, disturbance of endangered wildlife critical habitat, visual intrusions, and the risks of possible oil spillage. Comments made by AHP, USDA, DOD, COE, DOI, EPI, FEA, FPC, State and local agencies, concerned groups and individuals. (ELR No. 71162.)

Supplement

Seafarer, Synchronous Experimental Op. (S-1), September 16: The purpose of this supplement is to describe the elements of a test program developed since the filing of the Seafarer ELF Communications System Draft EIS for Site Selection and Test Operations. This test program was developed to investigate combined small ELF systems operations, in particular, the existing Wisconsin Test Facility electronically synchronized with the currently proposed Michigan test bed. These investigations would evaluate the effectiveness of various operational combinations of two relatively small ELF facilities to assess their viability. (ELR Order No. 71140).

ENVIRONMENTAL PROTECTION AGENCY

Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

West Point Site, Metro Seattle Wastewater, King County, Wash.; September 16: This statement is a site-specific EIS relating to the overall Facility Plan for Metropolitan Seattle Wastewater Facilities; it proposes alternative facilities plans for the West Point site, King County, Wash. Regional alternatives have been developed to address, in various combinations, four polar issues: water quality, site impacts, the law (Pub. L. 92-500), and costs. Components considered in developing alternatives include service area, collection system and transfer interceptors, treatment process, plant site, treated wastewater discharge location, combined sewer control, and sludge management. (Region X.) (ELR Order No. 71143.) Carkeek Park Site, Metro Seattle Wastewater, King County, Wash., September 16: This statement is a site-specific EIS relating to the overall Facility Plan for Metropolitan Seattle Wastewater Facilities; it proposes alternative facilities plans for the Carkeep Park site, King County, Wash. Regional alternatives have been developed to address, in various combinations, four polar issues: water quality, site impacts, the law (Pub. L. 92-500), and costs. Components considered in developing alternatives include service area, collection system and transfer interceptors, treatment process, plant site, treated wastewater discharge location, combined sewer control, and sludge management. (Region X.) (ELR Order No. 71160.)

Draft

Alki Site, Metro Seattle Wastewater, King County, Wash., September 16: This statement is a site-specific EIS relating to the overall Facility Plan for Metropolitan Seattle Wastewater Facilities; it proposes alternative facilities plans for the Alki site, King County, Wash. Regional alternatives have been developed to address, in various combinations, four polar issues: water quality, site impacts, the law (Pub. L. 92-500), and costs. Components considered in developing alternatives include service area, collection system and transfer interceptors, treatment process, plant site, treated wastewater discharge location, combined sewer control, and sludge management. (Region X.) (ELR Order No. 71161.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Advisor in Environmental Quality, Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, 202-275-4791.

Final

Matagorda Bay Project, several counties, Texas, Sepember 14: Proposed is the approval of applications filed by El Paso Eastern Co., El Paso LNG Terminal Co., El Paso Natural Gas Co., United LNG Co., and United Gas Pipe Line Co. These applications relate directly or indirectly to a proposal by El Paso Eastern Co. to import LNG from Algeria to a terminal to be located in the vicinity of Port O'Connor, Tex., on Matagorda Bay. Approval would authorize construction and operation of facilities necessary to unload, store, revaporize, and distribute the imported LNG. Comments made by AHP, HEW, USCG, NRC, STAT, State and local agencies. (ELR Order No.: 71130.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202-755-6308.

Draft

Green Valley Estates, Huntsville, Madison County, Ala., September 13: Proposed is the development of a 300-acre tract of land in Huntsville, Ala., to be entitled Green Valley Estates. Over a ten year period of time, 900 housing units and related community facilities will be constructed. Land is reserved for open space and a school site. The plan also includes an area for commercial use at the intersection of Hollow Road and Highway 231-431. Adverse effects include the conversion of agricultural land to urban use, some increase in air pollution and community noise levels, and increased storm water runoff. (ELR Order No. 71126.)

The Foothills Development, Tucson, Pima County, Ariz., September 15: Proposed is the granting of HUD/FHA mortgage insurance for Foothills development, located in Pima County approximately 3.75 miles north of Tucson city limits. The project calls for development of a planned residential area contained on 621 acres (594 single-family dwellings and 70 townhouse units) with an estimated ultimate population of 2,300. The development is expected to have some adverse effects on energy consumption, modification of land forms, native plants, animals, and infrastructure. (ELR Order No. 71137.)

Jonathan New Community, Chaska, Carver County, Minn., September 8: The proposed Federal action is the approval by the Board of Directors of the New Community Development Corporation (NCDC) of a revised Development Plan for Jonathan New Community in Chasta, Minn. Under the terms of the original Project Agreement, the Developer initiated development of a new community in accordance with an approved Development Plan. However, as the result of severe financial difficulties brought about by changing market conditions, development of Jonathan has stalled. This EIS evaluates the potential impact of six alternative development plans, including the plan as originally approved in 1970, on the environment. (ELR Order No. 71112.)

Section 104 (h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD).

Draft

Lowndes Co., Ala., Rural Water System Improvements, Lowndes County, Ala., September 15: Proposed is the extension of water lines to serve new customers and/or to upgrade existing services in the Collirene, Barlow, Letohatchee, Braggs, and Mt. Willing communities. The proposed improvements will provide access to a reliable source of potable water for approximately 911 rural County residents. Adverse effects include short-term sedimentation of streams and an existing potential for limited erosion. Construction activities may cause an increase in suspended particulates in the air and in noise levels. (ELR Order No. 71138.)

Draft

Macon Co., Tenn., Waterline Construction, Macon County, Tenn. September 14: Proposed is the construction of 13,950 feet of 6-inch or 4-inch plastic waterline on private easements along Goose Horn Road, beginning approximately 3500 linear feet east of the community of Willette where the existing waterline ends. The project will be located in Census Enumeration District 4. This project will have a positive impact by supplying the present residents along Goose Horn Road with a safe, potable water supply. No significant adverse effects are anticipated. (ELR Order No. 71097.)

Final

Mena, Ark., Water Construction Projects, Polk County, Ark., September 13: Proposed is the completion of an on-going water construction program in the city of Mena, Arkansas. Specifically, the improvements to be constructed consist of approximately 82,250 lineal feet of water lines, a pump station, two pressure reducing stations and approximately 50 fire hydrants. The water lines vary in size from 12- to 6-inch. Adverse impacts include temporary construction phase inconveniences and fire hydrant intrusions. Comments made by: EPA and State agencies. (ELR Order No. 71125.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Bldg., Department of the Interior, Washington, D.C. 20240, 202-343-3891.

NATIONAL PARK SERVICE

Draft

Everglades National Park Master Plan, Dade County, Fla., September 6: Proposed is a master plan for the Everglades National Park, Florida. The plan consists of proposals to establish developments, classify park lands, acquire exclusive jurisdiction over certain park lands, change visitor-use patterns, promote interpretive facilities and cooperative planning, continue the land acquisition program, and undertake studies of project feasibilities and methods of implementation. Adverse effects are confined to the land acquisition program, which entails economic losses in Dade County, and potential invasion of park lands by culturally undesirable plant species. (ELR Order No. 71103.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Officer of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

Draft

Northeast Corridor Improvement Project, September 16: Proposed is the implementation of the Northeast Corridor Improvement Act (NECIP), mandated as a program to upgrade railroad intercity passenger service between Boston, Massachusetts and Washington, D.C. Specific goals of the program are to provide, by 1981, railroad facilities which can accommodate regularly scheduled dependable service on a three hour, forty minute schedule between New York and Washington. The NECIP is comprised of 11 interrelated improvements necessary to facilitate high speed operation and assure safe, comfortable service. Environmental impacts of the proposed action are evaluated. (ELR Order No. 71144.)

FEDERAL AVIATION ADMINISTRATION

Final

Hillsdale Municipal Airport, New Runway, Hillsdale County, Mich., September 14: Proposed is the construction of a new primary Northeast-Southwest runway (5000 feet by 100 feet) with medium intensity runway lights, visual approach slope indicator, and a lighted parallel taxiway at Hillsdale Municipal Airport, Michigan. Phases II and III of the project include strengthening and extending runways and expansion of aircraft parking apron. Adverse effects include loss of approximately 370 acres and the relocation of eight households. Comments made by: DOT, USDA, DOI, COE, AHP, EPA and State and local agencies. (ELR Order No. 71133.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Main Street/Penn. Central RR-Grade Separation, Elkhart County, Ind., September 15: Proposed is the construction of a grade separation in the vicinity of the Main Street (S.R. 15) crossing with the Penn Central Railroad north of the Central Business District of the city of Goshen, Indiana. Consideration has been given to two alternate locations for the proposed separation: the Third Street overpass, and the Main Street overpass. For each of the locations the typical cross section is the same for the elevated portions of the improvement, consisting of four lanes separated by a four foot median with sidewalks provided on each side. Several homes and businesses will be relocated. (Region 5. (ELR Order No. 71136.)

Final

Minnesota Drive Extension, Anchorage, Alaska, September 12: Proposed is the construction of a 4-lane controlled-access roadway within the Greater Anchorage Area Borough, beginning at the junction of Minnesota Drive and International Airport Road and continuing a total distance of 4.9 miles. A moderate level of air and noise pollution will result, and there will be loss of natural vegetation and wildlife habitat. Approximately 9 families and two businesses will be displaced. Because the highway would cross the Campbell Creek Greenbelt, a 4f statement is included. Comments made by: DOI, EPA DOT, DOC, HUD and State agencies. (ELR Order No. 71118.)

I-65 to I-70 Distributor Route, Indianapolis, Marion County, Ind., September 13: Proposed is the provision of an improved distributor route to accommodate north-south traffic existing from I-65 on the north and I-70 on the south within a corridor bordering the west edge of the Indianapolis central business district. It is also proposed to divert east-west through traffic off Washington Street (U.S. 40) within the central business district. All alternates under consideration will be constructed at-grade and the 2.08-mile north-south alternate improvements will provide six lanes of capacity compared to the existing 4 lanes. Adverse effects include displacement of 12 homes, 12 businesses, and one non-profit organization. Comments made by: COE, USDA, EPA, HUD, DOI and State and local agencies, concerned interest groups. (ELR Order No. 71123.)

I-70 Widening, Kansas City, Wyandotte County, Kans., September 14: Proposed is the widening of Interstate 70 from 94th Street to 10th Street in Kansas City. The improvement would consist of the addition of one lane in each direction between I-435 and I-635 and two lanes in each direction between I-635 and I-670. An additional 50 acres of land will be required for right-of-way, and from 2 to 52 families will be displaced. Construction disruption will result. Comments made by: COE, EPA, DOI and local agencies. (ELR Order No. 71132.)

N.C. 127, 2nd Ave. N.E. to SR 1400, Catawba County, N.C., September 15: Proposed is the improvement of N.C. 127 in Hickory, North Carolina. The 4.6-mile project begins at 2nd Avenue N.E. and terminates at SR 1400 (Clonginger Mill Road). The selected alternative will provide a five-lane, uncontrolled access curbed facility with the center lane to be used for turning. Adverse impacts include the displacement of four families and six businesses, soil erosion, siltation, and increased water and air pollution. (Region 4.) Comments made by: DOI, AHP, USDA, COE, EPA, HEW, HUD and State and local agencies. (ELR Order No. 71134.)

U.S. 25, I-40 to Blue Ridge Parkway, Buncombe County, N.C., September 15: The proposed action is the improvement of the capacity and level of service provided by U.S. 25 between I-40 and Blue Ridge Parkway in Asheville, North Carolina. The project consists of widening a 2.9-mile segment from 2 and 4 lanes to a 5-lane cross section. For the selected alternative, 54 land uses would be exposed to noise levels of 70 decibles or more. Other negative impacts include the displacement of 16 residences and 15 businesses. (Region 4.) Comments made by: DOI, COE, EPA, HEW, TVA and State and local agencies. (ELR Order No. 71139.)

U.S. COAST GUARD

Draft

Calhoun St. Bridge, Delaware River, New Jersey, Pennsylvania, September 14: Proposed is the replacement of the existing tax-supported two-lane Calhoun Street Bridge with a new, 4-lane toll revenue supported bridge structure. The proposed replacement structure would be constructed across the Delaware River at mile 134.5, immediately adjacent and downstream of the existing bridge. Due to the historical significance of the existing structure (it has recently been placed on the National Register of Historic Places), it will remain in place and will serve as a pedestrian/bicycle bridge between Morrisville, Pennsylvania and Trenton, New Jersey. Adverse effects include displacement of five dwellings. (ELR Order No. 71128.)

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Draft

Minneapolis-St. Paul: Water and Land Perspectives, Minnesota, September 16: This statement presents a condensation of the results of the Minneapolis/St. Paul Level B Comprehensive Study of Water and Related Land Resources. Major recommendations resulting from the study includes provisions for: conservation and management of surface-water supplies and ground water supplies; low-point source pollution of metropolitan area lakes; flood damage reduction on rivers and tributary streams; flood damage reduction associated with lakes and storm drainage systems; commercial navigation and associated development on the Minnesota River; and wetlands preservation and management. Specific impacts are discussed. (ELR Order No. 71145.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77-27974 Filed 9-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

COASTAL ENGINEERING RESEARCH BOARD

Notice of Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92-463), notice is hereby given of a meeting of the Coastal Engineering Research Board (CERB) to be held on 11-13 October 1977.

The meeting will be held in the conference room of the Holiday Inn, North Lumina Avenue, Wrightsville Beach, N.C. from 1300 hours to 1630 hours on 11 October 1977; from 0800 hours to 1700 hours on 12 October 1977; and from 0830 hours to 1500 hours on 13 October 1977.

The 11 October session will be devoted to an orientation by the Wilmington and Charleston Engineer Districts of projects along the N.C.-S.C. coasts; to a discussion of the split-hull hopper dredge "Currituck", and the South Atlantic Division's Coastal Engineering Research Needs.

The 12 October session will be devoted entirely to field inspection trips to view the split-hull hopper dredge "Currituck" by ground and an aerial inspection of Murrell's Inlet, S.C., Little River Inlet, S.C.-N.C., and Masonboro Inlet, N.C.

The 13 October session will be devoted to CERB comments on the inspection trips; Coastal Engineering Research Center's 5-year Coastal Engineering Research Program, and CERB Comments and Recommendations. Oral participation by the public is scheduled for 1330 hours on 13 October 1977.

The meeting will be open to the public subject to the following limitations:

a. As the seating capacity of the conference room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements, to be made a part of the minutes, may be submitted prior to, or up to 30 days following the meeting, but oral participation by the public is limited because of the time schedule. Inquiries may be addressed to Colonel John H. Cousins, Executive Secretary, U.S. Army Coastal Engineering Research Board, Kingman Building, Fort

Belvoir, Va. 22060. Telephone 202-325-7000.

Dated: September 20, 1977.

By authority of the Secretary of the Army:

ROME D. SMYTH,
Colonel, United States Army, Director, Administrative Management, TAGCEN.

[FR Doc.77-27760 Filed 9-22-77;8:45 am]

Office of the Secretary

PRESIDENT'S COMMISSION ON MILITARY COMPENSATION

Meeting

Pursuant to Pub. L. 92-463 notice is hereby given that the next meeting of the President's Commission on Military Compensation will be held October 5, 1977, at the Civil Service Commission, 1900 E Street NW., Auditorium Room GJ 14, Washington, D.C. The meeting will last from 10 a.m. to 4:30 p.m. The agenda will include internal administrative matters, discussion of preliminary issue papers prepared by staff, and presentations by representatives of: Towers, Perrin, Fost and Crosby (New York City); the Miller Center of Public Affairs (University of Virginia); and the Fleet Reserve Association.

The following rules and regulations will govern participation by the public at this meeting:

(a) The meeting will be open to the public.

(b) Questions and statements from the public will not be accepted during this meeting.

September 19, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Secretary of Defense, OASD (Comptroller).

[FR Doc.77-27786 Filed 9-22-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 876]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

SEPTEMBER 19, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22101-CD-TC-(2)-77 Contact of Farmington, Inc. Consent to Transfer of Control from Robert L. Wolfe, transferor to Howard R. Hicks, Esther Johnson and Ray D. Windle, transferees. Stations: KKO346, Farmington, N. Mex. and KWU261, Pa Jarito Peak, N. Mex.

22102-CD-P-77 Robert F. Ryder d.b.a. Radio Paging Service (KLF593). C.P. to replace transmitter operating on 152.24 MHz located 0.9 mile ESE of State Penitentiary, Table Rock, Idaho.

22103-CD-P-77 Pat's Mobilephone, Inc. (New). C.P. for a new 1-way station to operate on 35.58 MHz to be located at Center of Town, Collinwood, Tenn.

22104-CD-P-77 David R. Williams d.b.a. Industrial Communications (KWH302). C.P. for additional facilities to operate on 43.58 MHz to be located at a new site described as Loc. No. 10: 1600 West Antelope Drive, Layton, Utah.

22105-CD-P-77 Miami Valley Radiotelephone (KQK592). C.P. for additional facilities to operate on 454.125 MHz to be located at a new site described as Loc. No. 5: 2400 Lehman Road, Cincinnati, Ohio.

22106-CD-P-77 Two-Way Radio of Carolina, Inc. (KWU321). C.P. to relocate facilities operating on 454.350 MHz, control at Loc. No. 2 to be located at 206 1st Avenue SE, Hickory, N.C.

22107-CD-P-77 Peter A. Bakal (KED364). C.P. for additional facilities to operate on 35.22 MHz at Loc. No. 1: on Crawford Road 5 miles NW of Schenectady, N.Y.

22108-CD-P-(2)-77 Henry M. Zachs d.b.a. Massachusetts-Connecticut Mobile Telephone Company (KQZ747). C.P. to change antenna system operating on 75.46 MHz, control and for additional facilities to operate on 75.46 MHz, control standby, at Loc. No. 9: Meriden Mountain WATR-FM Tower, Meriden, Conn.

22109-CD-MP-(2)-77 Industrial Communications Systems, Inc. (KMD990). Modification of C.P. to change the nature of service to one-way signaling only for the 454.175 MHz facilities at Loc. No. 1: End of Silverado Canyon Road, Santiago Peak, Calif. and Loc. No. 3: Verdugo Peak, Calif.

22110-CD-P-77 RAM Broadcasting of Colorado, Inc. (KUC881). C.P. for additional facilities to operate on 43.22 MHz to be located at a new site described as Loc. No. 2: Route 5, near Box 956, Lookout Mountain, Colo.

22111-CD-P-77 Waco Communications, Inc. KWH349). C.P. to replace transmitter, change antenna system and change frequency from 35.58 MHz to 152.24 MHz located at 1000 E. Highway 190, Killeen, Tex.

22112-CD-P-(2)-77 Digital Paging Systems, Inc. (New). C.P. for a new station to operate on 454.225 and 454.350 MHz to be located at 1357 North Tennessee Avenue, Atlantic City, N.J.

22113-CD-P-77 Waco Communications, Inc. (New). C.P. for a new station to operate on 152.06 MHz to be located at 100 East Highway 190, Killeen, Tex.

22114-CD-P-77 Ralph Heng d.b.a. Tri-State Communications Co. (New). C.P. for a new 1-way station to operate on 152.24 MHz to be located at West side of U.S. Highway 54 at East 8th Street, Liberal, Kans.

22121-CD-P-77 Southwest Communications Corp. (New). C.P. for a new station to operate on 454.100 MHz to be located on Crawford Peak, Tenino, Wash.

22122-CD-P-77 Radio Contact Corp. (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 1511 Bahama Drive, Pueblo, Colo.

22123-CD-P-77 Airsignal International of Philadelphia, Pa., Inc. (KGC223). C.P. to relocate facilities operating on 35.22 MHz at Loc. No. 5: Horseshoe Trail and Country, Phoenixville, Pa.

22124-CD-TC-2-77 RAM Broadcasting of Indiana, Inc. Consent to transfer of control from Paul A. Matschiner, transferor to RAM Broadcasting Corp., transferee. Stations: KSD327 and KUC848, Indianapolis, Ind.

22125-CD-TC-(2)-77 RAM Broadcasting of Colorado, Inc. Consent to transfer of control from Paul A. Matschiner, transferor to RAM Broadcasting Corp., transferee. Stations: KUC862 and KUC881, Denver, Colo.

22126-CD-TC-3-77 RAM Broadcasting of Massachusetts, Inc. Consent to transfer of control from Paul A. Matschiner, transferor to RAM Broadcasting Corp., transferee. Stations: KCC263, Boston, Mass.; KCC483 and KSV956, Wakefield, Mass.

22127-CD-TC-(4)-77 RAM Broadcasting of Michigan, Inc. Consent to transfer of control from Paul A. Matschiner, transferor to RAM Broadcasting Corp., transferee. Stations: KQA338, KSV921 and KQD803, Detroit, Mich. and KQK771, Ann Arbor, Mich.

22128-CD-TC-(3)-77 RAM Broadcasting of Missouri, Inc. Consent to transfer of control from Paul A. Matschiner, transferor to RAM Broadcasting Corp., transferee. Stations: KFQ940 and KUO566, Clayton, Mo.; KUC873, St. Louis, Mo.

22129-CD-TC-77 RAM Broadcasting of Florida, Inc. Consent to transfer of control from Paul A. Matschiner, transferor to RAM Broadcasting Corp., transferee. Station: KR5662, Cocoa Beach, Fla. (air-ground).

22130-CD-TC-(3)-77 RAM Broadcasting of Texas, Inc. Consent to transfer of control from Paul A. Matschiner, transferor to RAM Broadcasting Corp., transferee. Station: KKG412, Dallas, Tex.; KWT848, Dallas, Tex.—air-ground, and KWB371, Sweetwater, Tex.—air-ground.

22131-CD-TC-77 RAM Broadcasting of Ohio, Inc. Consent to transfer of control from Paul A. Matschiner, transferor, to RAM Broadcasting Corp., transferee. Sattion: KWU474, Parma, Ohio.

22132-CD-TC-77 RAM Broadcasting of New Mexico, Inc. Consent to transfer of control from Paul A. Matschiner, transferor, to RAM Broadcasting Corp., transferee. Station: KUO576, Artesia, N. Mex.—air-ground.

22133-CD-TC-77 RAM Broadcasting of South Carolina, Inc. Consent to transfer of control from Paul A. Matschiner, transferor, to RAM Broadcasting Corp., transferee. Station: KWB378, North Charleston, S.C.—air-ground.

CORRECTIONS

22075-CD-P-(2)-77 Massachusetts - Connecticut Mobile Telephone Co. (KCC803) correct to add: C.P. for additional facilities to operate on 152.12 MHz at a new site described as Loc. No. 8: 750 Main Street, Hartford, Conn. All other particulars to remain as reported on PN No. 875 dated September 12, 1977.

MAJOR AMENDMENTS

20998-CD-P-(6)-77 Michigan Bell Telephone Co., Ann Arbor, Mich. (KQK580) Amend application to change base location to read, On Pontiac Trail, West of Sutton Road, 3 miles North of Ann Arbor (Washtenaw) Mich. All other particulars to remain as reported on PN No. 852 dated April 4, 1977.

21106-CD-P-(1)-77 Page 'N Tel, Whitewater, Wis. (new) Amend base frequency 454.025 MHz to read 454.200 MHz. All other particulars to remain as reported on PN No. 854, dated April 18, 1977.

RURAL RADIO SERVICE

60397-CR-TC-77 Contact of Farmington, Inc. Consent to Transfer of Control from Robert L. Wolfe, transferor to Howeard R. Hicks, Esther Johnson and Ray D. Windle, transferees. Station: KLC45, temp-fixed within territory of the grantee.

60398-CR-P/L-77 The Mountain States Telephone and Telegraph Co. (new) C.P. for a new rural subscriber station to operate on 158.01 MHz to be located 12 miles SSW of Fowler, Colo.

60399-CR-P-77 The Mountain States Telephone and Telegraph Co. (KUO48) C.P. to replace transmitter operating on 454.60 MHz located 2 miles North of Salt Lake City, Utah.

POINT TO POINT MICROWAVE RADIO SERVICE

NY, 3667-CF-MP-77 United States Transmission (WAH492) 20 Exchange Place, New York, N.Y. (Sat. 40°42'14" N.—Long. 74°-00'36" W.) modification of CP 2245-CF-MP-77 to change 5974.8H to 6093.5V, 5945.2V to 5945.2H MHz towards Newark, N.J. on azimuth 283.8°.

N.J., 3668-CF-MP-77 same (WAH493) Gateway 1, New Jersey, Newark, N.J. (Lat. 40°-44'04" N.—Long. 74°09'59" W.) modification of C.P. 2246-CF-MP-77 to change 6226.9V to 6226.9H and 6197.2H to 6197.2V MHz towards Manhattan, N.Y. on azimuth 103.7°

OR, 3596-CF-AL-(1)-77 Pacific Northwest Bell Telephone Co. Application for consent to assignment of radio station license from Pacific Northwest Bell Telephone assignor to Easton Orgon Telephone Co. assignee for station WAH556.

LA, 3672-CF-P-77 South Central Bell Telephone Co. (KLK84) 530 South Buchanan Street Lafayette, La. Lat. 30°13'32" N.—Long. 92°01'10" W. C.P. to add frequency 6226.9H MHz toward Opelousas, La.

LA, 3673-CF-P-77 Same (KLK85) 251 West Opelousas, La. Lat. 30°32'07" N.—Long. 92°05'04" W. C.P. to add frequency 5945.2H MHz toward Lafayette, La.

CORRECTION

3242-CF-P-77 South Central Bell Telephone Co. (KYS48) corrected frequencies to read 3990V MHz toward Winchester and 3750V MHz toward Wellington. All other particular remain as reported on PN No. 870 dated 8-8-77.

[FR Doc.77-27818 Filed 9-23-77;8:45 am]

[Report No. I-389]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

SEPTEMBER 19, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

MT, 657-DSE-P-77 Big Sky Satellite Communications, Helena, Mont. For authority to construct, own and operate a common carrier domestic communications satellite receive-only earth station at this location. Lat. 46°39'50" N. Long. 112°07'07" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

MT, 658-DSE-P-77 Big Sky Satellite Communications, Butte, Mont. For authority to construct, own and operate a common carrier domestic communications satellite receive-only earth station at this location. Lat. 46°01'33" N. Long. 112°36'31" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

IN, 659-DSE-P/L-77 Clark County Cablevision, Inc., Jacksonville, Ind. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 38°16'-50" N. Long. 85°44'45" W. Rec. freq: 3700-4200 MHz. Emission (none listed). With a 5 meter antenna.

CA, 660-DSE-P-77 The Board of Trustees, The California State University and College for San Diego State University, San Diego, Calif. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 32°46'36" N. Long. 117° 04'20" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

VA, 661-DSE-P-77 The Hampton Roads Educational Telecommunications Association, Inc., Norfolk, Va. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 36°53'-21" N. Long. 76°18'08" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

WV, 662-DSE-P/L-77 Durfee's Television Cable Co., Inc., Parkersburg, W. Va. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 39°15'30" N. Long. 81°31'26" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 14 foot antenna.

MD, 663-DSE-P/L-77 RCA American Communications, Inc., Suitland, Md. For authority to construct and operate channels of communications by means of a satellite receive-only earth station for operation with a domestic satellite system at this location. Lat. 38°51'00" N. Long. 76°55'56" W. Rec. freq: 3700-4200 MHz. Emissions 60F9Y, 100F9Y, 1600F9Y, 2000F9Y and 36000F9. With an 11 meter antenna.

MN, 664-DSE-ML-77 First Television Corp. (KB83), Maple Lake Minn. Modification of license to permit the reception of signals of the Christian Broadcasting Network, WYAH-TV, Ch. 27, Portsmouth, Va., and programming of the Madison Square Garden Events.

TX, 665-DSE-ML-77 Capital Cable Co. (KE47), Austin, Tex. Modification of license to permit the reception of signals from the Christian Broadcasting Network and WYAH-TV, CH. 27, Portsmouth, Va.

TX, 666-DSE-ML-77 Community Cablevision Corp. (KB59), Bryan, Tex. Modification of license to permit the reception of signals from the Christian Broadcasting Network and WYAH-TV, Ch. 27, Portsmounth, Va.

AL, 667-DSE-ML-77 Liberty Communications, Inc. (WB60), Birmingham, Ala. Modification of license to permit the reception of signals from the Madison Square Garden Events.

KY, 668-DSE-ML-77 Owensboro on the Air, Inc. d.b.a. Owensboro Cablevision (WB50), Owensboro, Ky. Modification of license to permit the reception of signals of the Madison Square Garden Events.

SC, 669-DSE-ML-77 Clinton Cablevision Associates (WE59), Clinton, S.C. Modification of license to permit the use of this facility on a shared use and cost sharing basis with Teleview Cablevision Associates.

FL, 670-DSE-ML-77 Teleprompter Corp. (WB57), West Palm Beach, Fla. Modification of license to permit the reception of signals of the Madison Square Garden Events.

AL, 671-DSE-ML-77 Teleprompter Corp. (WB63), Florence, Ala. Modification of license to permit the reception of signals of the Madison Square Garden Events.

CT, 672-DSE-ML-77 Teleprompter Corp. (WB93), Danbury, Conn. Modification of license to permit the reception of signals of the Madison Square Garden Events.

CT, 673-DSE-ML-77 Teleprompter Corp. (WE43), Middletown, Conn. Modification of license to permit the reception of signals of the Madison Square Garden Events.

VA, 674-DSE-P/L-77 RCA American Communications, Inc., Virginia Beach, Va. Application for an earth station construction permit and license for the provision of its own services by means of the earth station facilities presently licensed to Christian Broadcasting Network (WD58; 48-DSE-P/L-77).

VA, 675-DSE-MP/ML-77 Christian Broadcasting Network (WD58), Virginia Beach, Va. Application for modification of outstanding earth station authorization to permit RCA American Communications, Inc. to operate a portion of the above described facility.

AZ, 676-DSE-P/L-77 American Cable Television, Inc., Keystone Peak, Ariz. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 31°52'37" N. Long. 111°12'52" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

SC, 677-DSE-P/L Palmetto Cablevision, Inc., Columbia, S.C. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 34°03'50" N. Long. 81°04'16" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

NH, 678-DSE-P-77 University of New Hampshire, Durham, N.H. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 43°07'59" N. Long. 70°56'19" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

KS, 679-DSE-P-77 American Telephone and Telegraph Co., Fort Leavenworth, Kans. Authority to construct a permanent satellite earth station at the Fort Leavenworth United States Military Reservation to provide two 1.544 Mb/s data services to the United States Defense Communications Agency. Lat. 39°21'19" N. Long. 94°55'36" W. Rec. freq: 3700-4200 MHz. Trans. freq: 5925-6425 MHz. Emission 34000F9Y. With a 10 meter antenna.

GA, 680-DSE-P/L-77 Tattnall Electronics, Inc., Glenville, Ga. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 31°55'25" N. Long. 81°53'30" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

FL, 681-DSE-P/L-77 Teleprompter Corp., Mullis City, Fla. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 28°02'23" N. Long. 82°31'59" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

FL, 682-DSE-P/L-77 Teleprompter Corp., St. Petersburg, Fla. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 27°46'39" N. Long. 82°40'33" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

FL, 683-DSE-P/L-77 Teleprompter Corp., Lakeland, Fla. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 28°01'20" N. Long. 81°55'27" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

FL, 684-DSE-P/L-77 Teleprompter Corp., Bradenton, Fla. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 27°28'15" N. Long. 82°34'27" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

AZ, 685-DSE-P/L-77 Sierra Vista CATV VO., Inc., Sierra Vista, Ariz. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 31°33'54" N. Long. 110°18'19" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

FL, 686-DSE-P/L-77 University City Television Cable Co., Gainesville, Fla. For authority to construct, own and operate a domestic communications satellite receive-only earth station at this location. Lat. 29°42'34" N. Long. 82°23'34" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

[FR Doc.77-27819 Filed 9-22-77;8:45 am]

[Report No. 1076]

PETITIONS FOR RECONSIDERATION
Actions in Rule Making Proceedings Filed

SEPTEMBER 19, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20727	Sec. 73.606(b)	Amendment of sec. 73.606(b), table of assignments, television broadcast stations. (Riverside and Santa Ana, Calif.) Filed by James A. Gammon and Stuart B. Mitchell, attorneys for International Panorama TV, Inc.	

NOTE.—Oppositions to petitions for reconsideration must be filed on or before Oct. 11, 1977. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-27816 Filed 9-22-77;8:45 am

FEDERAL ENERGY ADMINISTRATION

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of July 18 Through July 22, 1977

Notice is hereby given that during the week of July 18 through July 22, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPENDIX

APPEALS

Beacon Oil Co.; Hanford, Calif.; FXA-1177; Crude Oil

Beacon Oil Company appealed from a Decision and Order which the FEA issued to it on December 15, 1976. "Beacon Oil Co.," 4 FEA Par. 83,233 (December 15, 1976). In the December 15 determination the FEA granted Beacon an exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which extended for an additional period of time exception relief that had previously been granted to the firm. Beacon's Appeal, if granted, would have resulted in the approval of an additional measure of exception relief for the period October 1976 through March 1977. In considering the Beacon Appeal, the FEA rejected the firm's contention that it should be permitted to recognize as an expense for its 1976 fiscal year the dollar value of entitlements that the firm was exempted from purchasing for the months of January through March 1976 as a result of Special Rule No. 6. The FEA also rejected Beacon's contentions that it should be permited to make certain adjustments to its historical levels of profitability and that the firm was denied its right to due process of law under Section 104 of the ECPA. However, the FEA found that it had incorrectly calculated the firm's profitability for the period April 1 through December 31, 1976 and as a result had granted Beacon an insufficient measure of exception relief in the December 15 Decision and Order. Accordingly, the FEA determined that the present Beacon Appeal should be granted in part and that the firm should be permitted to sell additional entitlements having a total value of $174,000 during the month of July 1977. The Beacon Appeal was denied in all other respects.

Glacier Park Co.; Osage, Wyo.; FXA-1239; Petroleum Products

Glacier Park Company (Glacier) filed an Appeal from a Decision and Order denying the firm's Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). "Glacier Park Co." 5 FEA Par. 83,074 (February 25, 1977). If Glacier's Appeal were granted the February 25, 1977 determination would be reversed and Glacier would be relieved of all entitlement purchase obligations on both a prospective and a retroactive basis. Glacier contended in its Appeal submission that it produces refined petroleum products which are used directly by its parent company, Burlington Northern, Inc. (Burlington) a major transportation company, or exchanged for additional products for Burlington's use. The firm claimed that it does not compete with other refiners with respect to the sale of refined petroleum products and therefore does not fall within the intended scope of the Entitlements Program. In considering Glacier's Appeal, the FEA found that Glacier exchanges a considerable portion of its refined product output with outside purchasers in order to obtain additional supplies of diesel fuel for Burlington's use. The FEA further determined that in view of the fact that Glacier's refined products enter the market-place by means of Glacier's exchange arrangements, Glacier is in fact engaged in competition with other refiners. The FEA further determined that even if Glacier were not engaged in competition within the petroleum industry, Glacier's participation in the Entitlements Program does not consititute a gross inequity. The FEA noted in this respect that if relief were granted, Burlington would receive the benfits of Glacier's lower-priced fuel and that Burlington would thereby realize an advantage as compared to its competitors who must purchase fuel which has been processed by refiners that are subject to the Entitlements Program. The FEA determined that it would be contrary to the purposes of the Entitlements Program to grant exception relief which excludes Glacier from that Program when the primary effect of such relief would be to place Bur-

lington in a favored position as compared to similarly situated users of the products which Burlington consumes. The FEA further rejected Glacier's assertion that the FEA may not consider the effect which exception relief would have on Burlington because the FEA may only regulate the petroleum industry and Burlington is not a member of that industry. The FEA noted that Glacier is clearly a member of the petroleum industry and in that capacity is subject to all applicable FEA regulatory provisions and furthermore that approval of relief would be inconsistent with Section 4(b)(1)(F) of the Emergency Petroleum Allocation Act of 1973 because it would place one particular consumer of refined products in a better position than all other users of the same products. The FEA further concluded that Glacier had not shown that the Entitlements Program affects either it or Burlington in a more adverse manner than any other refiner or user of petroleum products. Finally, the FEA determined that Glacier's participation in the Entitlements Program is not contrary to national energy policy objectives involving the increased utilization of coal resources. On the basis of the foregoing considerations, the FEA denied Glacier's Appeal.

REQUESTS FOR EXCEPTION

C. O. Johnson Oil Co.; Knoxville, Tenn.; FEE-4383; Reporting Requirements

C. O. Johnson Oil Company filed an Application for Exception from the requirement that it complete Forms P314-M-0 ("Monthly Survey of Distillate and Residual Fuel Oil Sales to Ultimate Consumers") and P112-M-1 ("No. 2 Heating Oil Supply/Price Monitoring Report"). In considering the exception request, the FEA found that Johnson had failed to submit any factual material in support of its claim that it will incur a serious hardship if it is required to complete and submit these forms. The FEA also reviewed the material necessary to complete the two forms and concluded that Johnson should encounter little difficulty in providing the information required by the forms. Finally, the FEA determined that Johnson had failed to demonstrate that the inconvenience of supplying the requested data outweighs the benefit the FEA derives from the aggregate data which it is thereby able to obtain as to the supply and price of important petroleum products. Johnson's request for exception relief was therefore denied.

Hinton Production Co.; Mt. Pleasant, Tex.; FEE-4183; Crude Oil

Hinton Production Company (Hinton) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted the firm to sell the crude oil produced from its J. S. Carroll Lease at prices which are in excess of the lower tier ceiling price specified in 10 CFR 212.73. According to the Hinton submission in the absence of exception relief the firm would not have sufficient economic incentive to undertake capital investment projects which were necessary to continue its crude oil operations at the Lease. In considering the Hinton Application, the FEA determined that a substantial amount of crude oil could be recovered from the Lease if the investments necessary to continue crude oil extraction operations were made. The FEA also determined, however, that if the firm were to sell the crude oil involved at the price levels specified in the FEA Regulations, the firm would realize a negative rate of return on its capital investment. On the basis of previous precedents involving similar factual circumstances, the FEA concluded that exception relief should be granted to provide Hinton with a sufficient economic incentive to make the necessary investments while at the same time avoiding the possibility that windfall profits would be obtained as a result of the exception relief. Exception relief was therefore approved which permits the firm to sell at upper tier ceiling prices a portion of the crude oil produced from the Lease for the benefit of the working interest owners during the period July 1, 1977 through June 30, 1982.

Robert W. O'Meara; New Orleans, La.; FXE-4355; Crude Oil

Robert W. O'Meara (O'Meara) filed an application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted would result in an extension of exception relief previously granted to O'Meara and would permit O'Meara to continue to sell a portion of the crude oil produced from the Louisiana Fruit No. 2 well (the No. 2 well) at upper tier ceiling prices. "See Robert W. O'Meara," 4 FEA Par. 83,029 (July 30, 1976); "Robert W. O'Meara," 5 FEA Par. 83,042 (January 14, 1977). In considering the exception application, the FEA found that the No. 2 well continued to incur increased operating costs and that, in the absence of an extension of exception relief, the working interests would lack an incentive to produce crude oil from the property. In view of this situation and on the basis of the operating data presented for the well for the previous six months, the FEA concluded that the working interest owners should be permitted to sell 100 percent of the crude oil produced from the well at upper tier ceiling prices in order to recover the increased operating costs of the well.

W. H. Porter; Midwest City, Okla.; FXE-4101; Crude Oil

W. H. Porter (Porter) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of the exception relief previously granted to Porter and would thereby permit Porter to continue to sell a portion of the crude oil produced from the Kirchmeier Lease at upper tier ceiling prices. In considering the exception application, the FEA determined that the type of exception relief requested by Porter is only warranted where a showing is made that the applicant has little economic incentive to continue to produce crude oil from a property if it is required to sell its production at lower tier ceiling prices. However, the FEA found that even in the absence of exception relief Porter's crude oil production activities on the Kirchmeier Lease are currently profitable. The FEA therefore concluded that no proper basis presently exists for an extension of the exception relief previously granted to Porter, and the exception application was denied.

REQUESTS FOR STAY

George A. Hoffman; Henderson, Ky., FRS-1366; Crude Oil

George H. Hoffman (Hoffman) requested that a Remedial Order which the Regional Administrator of FEA Region IV issued to him on June 7, 1977 be stayed pending a final determination of the firm's Appeal. In the Remedial Order, the FEA found that Hoffman sold the crude oil produced from the Edward Bohnhoff Lease (Bohnhoff Lease) at prices which were in excess of the ceiling price levels applicable to the Lease under the provisions of 10 CFR 212.73. On the basis of this finding, the Remedial Order directed Hoffman to refund the overcharges he had obtained. In considering the request for stay, the FEA determined that Hoffman had satisfied the standards for the approval of a stay set forth in "General Crude Oil Co.", 3 FEA Par. 85,040 (June 25, 1976). The FEA therefore concluded that the refund requirements should be stayed. The FEA also found that the principal working interest owner of the Bohnhoff Lease would be subject to an inordinate personal financial burden if Hoffman were required to deposit that individual's share of the refund obligation into the escrow account which is generally required as a condition of a stay under the standards established in the "General Crude" Decision. However, since Hoffman had failed to make any showing which would indicate that an escrow account should not be required with respect to the remaining owners of the Bohnhoff Lease, Hoffman was directed to deposit the portion of the refunds attributable to those owners of the Bohnhoff Lease into an escrow account.

Maguire Oil Co.; Dallas, Tex.; FRS-1390; Crude Oil

Maguire Oil Co. (Maguire) filed an Application for Stay of a Remedial Order which the Deputy Regional Administartor of FEA Region VI issued to the firm on June 30, 1977. The Remedial Order determined that during the period September 1, 1973 through September 30, 1976 Maguire sold crude oil to Western Crude Oil Inc. (Western Crude) at prices which were in excess of the maximum price levels permitted under the applicable regulatory provisions. On the basis of this determination, the Remedial Order directed Maguire to make restitution to Western Crude either by cash refund or by means of prospective price reductions. Maguire's request for a stay, if granted, would relieve the firm of complying with the refund provisions of the Remedial Order pending a determination of an Appeal of the Remedial Order which the firm had filed on the same date. In considering Maguire's request for a stay, the FEA determined that the firm had made a strong showing that it could incur an irreparable injury if it were required to make restitution to Western Crude since in all likelihood that firm would pass on the refunds to its own customers and Maguire could experience substantial difficulty in recovering the funds if it prevailed on the merits of an Appeal of the Remedial Order. The FEA further determined that Maguire had raised significant issues concerning the propriety of the Remedial Order. The FEA therefore held that Maguire had satisfied the criteria set forth in "General Crude Oil Co.," 3 FEA Par. 85,040 (June 25, 1976), for granting a stay of the refund requirements of a Remedial Order. However, the FEA held that Maguire should be required to place the disputed funds into an escrow account pending a determination of its Appeal. Accordingly, Maguires's Application for Stay was granted on the condition that an appropriate escrow account be established.

United Independent Oil Co.; Salem, Oreg.; FES-4393; Crude Oil

The United Independent Oil Co. requested that the application to the firm of the provisions of 10 CFR 211.67(e)(2) be stayed. If the Application for Stay were approved, the firm would have been relieved of any obligation to purchase entitlements pending a determination on an Application for Exception which it had also filed. In considering the Application for Stay, the FEA found that United had failed to even allege that any of the criteria specified in 10 CFR 205.125(b) which govern the approval of an Application for Stay had been satisfied in this case. The FEA further determined that the firm's allegation that in the absence of the requested stay relief it might incur an entitlements purchase obligation was unsupported and therefore did not form a proper basis for approval of a stay. The stay request was therefore denied.

SUPPLEMENTAL ORDERS

Beacon Oil Co.; Hanford, California.; FEX-0151; Crude oil

On June 8, 1976 and December 15, 1976, the FEA issued Decisions and Orders to Beacon Oil Company (Beacon) in which it granted the firm exceptions from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). The June 8 Order had the effect of relieving Beacon of any obligation to purchase entitlements during the period June through November 1976. "Beacon Oil Co.", 3 FEA Par. 83,209 (June 8, 1976). The December 15 Order had the effect of relieving Beacon of a portion of its obligation to purchase entitlements during the period December 1976 through May 1977. "Beacon Oil Co.", 4 FEA Par. 83,233 (December 15, 1976). That exception relief was granted in accordance with the criteria set forth in "Delta Refining Co.", 2 FEA Par. 83,275 (September 11, 1976) and applied to the firm's crude oil receipts and runs to stills during the period April 1, 1976 through March 31, 1977. In the June 8 and December 15 Orders, the FEA indicated that it would conduct a review of the exception relief which had been granted to Beacon at the completion of the firm's fiscal year to determine whether Beacon had received excessive or insufficient benefits during its fiscal year, and would then require Beacon to buy or sell additional entitlements. Since Beacon's fiscal year ended on December 31, 1976, the FEA conducted a review of the exception relief which Beacon had been granted for the period April 1 through December 31, 1976, i.e., the portion of the firm's 1976 fiscal year that followed the rescission of Special Rule No. 6 (41 Fed. Reg. 20392, May 18, 1976). Based on that review the FEA determined that Beacon had received an excess measure of exception relief during the April through December 1976 period. Beacon was therefore required to purchase additional entitlements having a total value of $445,248 during the period August 1977 through January 1978.

Colonial Oil Co.; Alexandria, Va.; FEX-0175; Motor gasoline

On July 8, 1977, the Federal Energy Administration issued a Decision and Order to the Colonial Oil Company (Colonial). "Colonial Oil Co.", 6 FEA Par. 83,027 (July 8, 1977). In the July 8 Order, the FEA directed that a hearing be held in connection with a previous exception application which Colonial had filed with the FEA on February 23, 1977. The present Supplemental Order designated the FEA Deputy General Counsel as the Presiding Officer for the hearing and delegated to him the power, authority and duties of the Director of the Office of Exceptions and Appeals in the matter. The Supplemental Order also established that the primary purpose of the hearing would be to determine whether misleading or erroneous data had been submitted to the FEA in connection with the February 23 exception application. The FEA also directed the Presiding Officer to make a written recommendation to the FEA Administrator at the conclusion of the hearing as to whether further actions should be undertaken under § 205.3(b) of the FEA Regulations against any person or organization that participated in the February 23, 1977 exception proceeding.

EDG, Inc.; Los Angeles, Calif.; FEX-0127; Crude oil

On June 21, 1976, the Edgington Oil Company (EDG) was granted an Exception from the provisions of 10 CFR 211.67 which reduced the firm's entitlement purchase obligation for the period April through September 1976. Edgington Oil Co., 3 FEA Par. 83,240 (June 21, 1976). On September 26, 1976 the former Edgington firm sold its refining and marketing assets and changed its name to EDG, Inc. On June 23, 1977, EDG notified the FEA that it intended to formally dissolve the corporation and distribute its assets among the firm's shareholders during the month of August 1977, and requested that the FEA review the exception relief from the Entitlements Program provided to the firm for the period April through September 1976 so that EDG could account for any obligation arising from that review in its pending liquidation. In its review, the FEA determined that FDG had received a greater measure of relief than was necessary to enable the firm to attain its historical profit margin for the appropriate portions of its 1976 and 1977 fiscal years. EDG was therefore required to purchase entitlements to offset the excessive exception relief which it had obtained. Provisions were made, however, to permit EDG to satisfy the purchase obligation over a period of 12 months if the firm established an interest-bearing escrow account into which it places sufficient funds.

Kern County Refinery, Inc.; Bakersfield, Calif.; FEX-0171; Crude oil

On June 18, 1976 and December 15, 1976, the FEA granted an exception to Kern County Refinery, Inc. which relieved the firm of any obligation to purchase entitlements during the period June through December 1976. Both the June 18 and December 15 Orders stated that a review of Kern County's actual financial operating results would be conducted at the end of the firm's March 31, 1977 fiscal year to determine whether Kern received excessive benefits as a result of the exception relief which had been approved. The Orders further stated that if Kern did receive excessive entitlements exception relief during its 1976 fiscal year, an adjustment would be made and the firm would be required to purchase additional entitlements. In reviewing the entitlements exception relief provided to Kern during its 1977 fiscal year, the FEA determined that Kern did not attain its historical profit margin during its entire 1977 fiscal year. Since Kern received 100 percent exception relief from the Entitlements Program and had not exceeded its historical profit margin, the FEA concluded that no adjustment to the firm's 1976 entitlements exception relief was necessary.

Laketon Asphalt Refining, Inc.; Evansville, Ind.; FEX-0156; Crude Oil

On August 13, 1976 and February 11, 1977, the FEA issued two separate Decisions and Orders to Laketon Asphalt Refining, Inc. granting the firm exception relief from the provisions of 10 CFR 211.67. Those Decisions relieved Laketon of any obligation to purchase entitlements that resulted from its crude oil receipts and runs to stills for the months of June through December of the firm's 1976 fiscal year and the months of January through May of the firm's 1977 fiscal year. Those Orders stated that a review of Laketon's actual financial operating results would be conducted at the conclusion of the firm's current fiscal year to determine whether it had received excessive benefits as a result of the exception relief which had been previously approved. The Orders further stated that if a determination was made that Laketon did receive excessive entitlements exception relief during its 1976 fiscal year, an adjustment would be made and the firm would be required to purchase additional entitlements to account for the excessive benefits. In reviewing the entitlements exception relief granted to Laketon during its 1976 fiscal year, the FEA determined that the firm did not attain either its historical profit margin or its historical return on invested capital during the fiscal period April 1 through December 31, 1976. Since Laketon had received 100 percent exception relief from its obligations under the Entitlements Program and had not exceeded either its historical profit margin or historical return on invested capital, the FEA concluded that no adjustment to the firm's 1976 entitlements exception relief was necessary.

Mohawk Petroleum Corporation, Inc.; Los Angeles, Calif.; FEX-0147; Crude oil

On June 17, 1976 and December 15, 1976, the FEA issued Decisions and Orders to Mohawk Petroleum Corporation, Inc. (Mohawk) in which it granted the firm exceptions from the provisions of 10 CFR 211.67 (the Entitlements Program). The June 17 Order had the effect of relieving Mohawk of any obligation to purchase entitlements during the period June through November 1976. "Mohawk Petroleum Corp., Inc.", 3 FEA Par. 83,230 (June 17, 1976). The December 15 Order had the effect of relieving Mohawk of any obligation to purchase entitlements during the period December 1976 through May 1977. "Mohawk Petroleum Corp., Inc.", 4 FEA Par 83,252 (December 15, 1976). That exception relief was granted in accordance with the criteria set forth in "Beacon Oil Co.", 3 FEA Par. 83,209 (June 8, 1976) and "Delta Refining Co.", 2 FEA Par. 83,275 (September 11, 1975) and applied to the firm's crude oil receipts and runs to stills during the period April 1, 1976 through March 31, 1977. In the June 17 and December 15 Orders, the FEA indicated that it would conduct a review of the exception relief which had been granted to Mohawk at the completion of the firm's fiscal year to determine whether Mohawk had received excessive or insufficient benefits during its fiscal year, and would then require Mohawk to buy or sell additional entitlements as appropriate. Since Mohawk's 1976 fiscal year ended on December 31, 1976, the FEA conducted a review of the exception relief which Mohawk had been granted for the period April 1 through December 31, 1976, i.e., the portion of the firm's 1976 fiscal year that followed the rescission of Special Rule No. 6 (41 Fed. Reg. 20392, May 18, 1976). Based on that review the FEA determined that Mohawk had received an excess measure of exception relief during the April through December 1976 period. Mohawk was therefore required to purchase additional entitlements having a total value of $1,925,387 during the period August 1977 through July 1978.

Sunland Refining Corp.; Los Angeles, Calif.; FEX-0159; Crude oil

On June 14, 1976 and December 15, 1976, the Federal Energy Administration issued Decisions and Orders to Sunland Refining Corporation (Sunland) in which it granted the firm exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program). The June 14 Order fully relieved Sunland of its obligation to purchase entitlements during the period June 1 through November 30, 1976 to account for crude oil receipts and runs to stills for the months of April through September 1976. "Sunland Refining Corp.," 3 FEA Par. 83,236 (June 14, 1976). The December 15 Order had partially relieved Sunland of the obligation to purchase entitlements during the period December 1, 1976 through May 31, 1977 to account for crude oil receipts and runs to stills during the months of October 1976 through March 1977. "Sunland Refining Corp.," 4 FEA Par. 83,260 (December 15, 1976). Sunland subsequently filed an Application for Modification of the December 15 Order in which it requested that it be relieved of 100 percent of its entitlement

purchase obligation in the month of February 1977 to account for its crude oil receipts and runs to stills during the final months of its 1976 fiscal year. Based on the data which Sunland furnished, the FEA modified the December 15 Order and Sunland was fully relieved of its obligation to purchase entitlements in February 1977. "Sunland Refining Corp.," 5 FEA Par. 87,017 (February 11, 1977). The exception relief granted to Sunland during 1976 was approved in accordance with the criteria set forth in "Beacon Oil Co.," 3 FEA Par. 83,209 (June 8, 1976) and "Delta Refining Co.," 2 FEA Par. 83,275 (September 11, 1975). In the Orders which it issued during 1976 the FEA indicated that it would conduct a review of the exception relief which had been granted to Sunland at the completion of the firm's fiscal year to determine whether Sunland had received excessive or insufficient benefits during its 1976 fiscal year. On the basis of the actual financial results which the firm achieved, Sunland would therefore be required to buy or sell additional entitlements. Based on the review of the financial performance during Sunland's 1976 fiscal year, the FEA determined that Sunland had received an insufficient measure of exception relief during the year ended December 31, 1976. Sunland was therefore permitted to sell additional entitlements having a total value of $1,477,960 during the three month period August through October 1977.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase (in dollars per gallon)
Doric Petroleum, Inc.	FXE-1353	Enid	$0.0104

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

BTA Oil Producers; Midland, Tex.; FXE-4348
Tesoro Petroleum Corp.; San Antonio, Tex.; FIA-1382

Texaco, Inc., Houston, Tex.; FEE-4374

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Alpine Oil Co.; Osseo, Minn.; FRA-1334

The following submissions were dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

American , Petroleum Refiners Assoication Inc.; Washington, D.C.; FSG-0052
American Petroleum Refiners Association Inc.; Washington, D.C.; FEE-4414
David Shafer Oil Producers, Inc.; Wooster, Ohio; FEE-4137

The following submission was dismissed following a determination made by FEA that the Appeal was filed in an untimely manner:

Exxon Co., U.S.A.; Houston, Tex.; FXA-1357

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guideline," a commercially published loose leaf reporter system.

Dated: September 19, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-27806 Filed 9-22-77;8:45 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of July 25 Through July 29, 1977

Notice is hereby given that during the week of July 25 through July 29, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Atlantic Richfield Co.; Los Angeles, Calif.; FRA-1272; Motor Gasoline.

The Atlantic Richfield Co. (Arco) appealed from a Remedial Order which FEA Region IX issued to the firm on April 12, 1977. In the Remedial Order, the Regional Office affirmed the determination which it reached in a previous Remedial Order issued to the firm on March 15, 1976 that Arco had sold motor gasoline to the Digas Company during January and February of 1975 at price levels which exceeded Arco's maximum permissible selling prices. In a Decision and Order which was issued to Arco on October 8, 1976 the March 15 Remedial Order had been remanded to the Regional Office for further findings of fact. Atlantic Richfield Co., 4 FEA Par. 80,550 (October 8, 1976). In considering Arco's Appeal the FEA determined that the April 12 Remedial Order was correct in finding that Arco had improperly assigned Digas to its class of purchaser which was required to pay a delivered price for motor gasoline and had, as a result, charged Digas a price for motor gasoline which exceeded the maximum levels Arco was permitted to charge under the FEA Mandatory Petroleum Price Regulations. Arco's Appeal was therefore denied.

Bonray Oil Co.; Oklahoma City, Okla.; FRA-1205;Crude Oil

The Bonray Oil Co. (Bonray) appealed from a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to the firm on February 11, 1977. In the Remedial Order, the FEA found that Bonray had sold crude oil produced from nine different properties at prices which exceeded the lower tier ceiling prices. As a result, the FEA determined that Bonray had overcharged the firms which purchased the crude oil by $146,248 and ordered the restitution of those revenues, plus interest. In considering the Bonray Appeal, the FEA initially determined that, contrary to the firm's contention, it had the authority to issue remedial orders requiring price reductions and refunds of revenues obtained in violation of the FEA Price Regulations. The FEA also determined that under the applicable statutory provisions, it may properly distinguish between wells which produce crude oil and wells which produce only natural gas and natural gas condensate for purposes of applying the stripper well preperty exemption. The FEA rejected Bonray's arguments regarding the proper calculation of the average daily production of crude oil at one of the properties. In this regard the FEA determined that since Bonray had failed to raise in its response to the NOPV, the issue of the proper calculation of average daily production at the property in question the firm waived its right to seek full administrative review of the issue in subsequent proceedings. Finally, the FEA rejected Bonray's claim that the Remedial Order incorrectly applied the term "preceding calendar year" in its determination. With respect to Bonray's claim that the production from wells on three of the properties was not limited to natural gas condensate or liquids and might therefore be classified as crude oil production, the FEA found that the Remedial Order had not considered this distinction for purposes of applying the stripper well property exemption. Therefore, the FEA remanded that portion of the Order to Region VI for findings of fact as to the proper classification of the wells. The FEA also found some merit to the firm's argument that the Remedial Order may have impropely calculated the number of days of production at two of the properties and remanded those matters of the Region for further consideration.

City of Long Beach, Calif.; Long Beach, Calif.; FIA-1257; Crude Oil

The City of Long Beach, Calif. (Long Beach) appealed from an Interpretation which the General Counsel of the FEA issued on February 11, 1977. In that Interpretation, the General Counsel determined that a long term contract which had been executed by a purchaser and a seller of crude oil after a process of public bidding could not be a "posted price" as that term is defined in 10 CFR 212.31. The Appeal if granted, would have resulted in the recission of the February 11, 1977 Interpretation and a further determination that such long term contracts could constitute posted prices. In considering the Long Beach Appeal the FEA observed that the concept of "posted price" was essential for the establishment of both upper tier ceiling prices and lower tier ceiling prices. Thus, the concept of the term "posted price" must be uniform and equally applicable to all sellers of crude oil. In the case of Long Beach, the FEA noted that the bidding process did not yield a general price applicable to all producers on the field, but rather set

forth a price which only a few selected purchasers would pay to Long Beach for crude oil. Consequently, the contract prices did not in fact constitute a bona fide and general offer to purchase crude oil at a particular price, known by all sellers of crude oil in the producing field, and was therefore not a "posted price."

In its Appeal, Long Beach asserted that the Interpretation was arbitrary and capricious because it did not reflect the FEA policy that ceiling prices should be established on the basis of representative prices for crude oil which prevailed on certain base dates. In considering this argument, the FEA noted that Long Beach was effectively requesting a new approach to the concept of "posted price" and accordingly concluded that this assertion was inappropriate in the context of the Appeal proceeding. The Appeal from the Interpretation was therefore denied.

Read & Stevens, Inc.; Boswell, N. Mex.; FRA–1203; Crude Oil

Read & Stevens, Inc. (Read & Stevens) appealed from a Remedial Order which had been issued to it by FEA Region VI. In the Remedial Order, the FEA found that during the period January 1, 1975 through September 30, 1976, Read & Stevens had improperly classified its Federal "C" lease as a stripper well property and as a result charged prices for the crude oil produced and sold from the property which were in excess of the ceiling price level established pursuant to 10 CFR 212.73. The Remedial Order therefore directed Read & Stevens to refund to the purchaser of the crude oil the excess revenues which Read & Stevens had improperly obtained. In its Appeal, Read & Stevens contended that the FEA had exceeded its authority under the Emergency Petroleum Allocation Act of 1973 (EPAA) by requiring in 10 CFR 210.32(b) and subsequent regulations that a producer exclude significant periods of production curtailment in calculating average daily production for a property for purposes of determining whether that property qualifies as a stripper well property. In rejecting this contention, the FEA concluded that the Congress had intended that the administrative agency, in implementing by regulation the exemption of stripper well properties from price controls, should narrowly construe the exemption in accordance with its purpose of providing additional economic incentives for the production of crude oil from marginal properties. The FEA further concluded that the promulgation of § 210.32(b) constituted a reasonable exercise of the authority contained in the EPAA. The FEA also concluded that Ruling 1975–12 was an "interpretative" rather than a "substantive" rule and thus was exempt from the notice requirements applicable to rulemaking proceedings which are set forth in Section 553 of the Administrative Procedure Act.

In its Appeal, Read & Stevens also contended that the Remedial Order should be rescinded because the preceding Notice of Probable Violation (NOPV) which had been issued to the firm was defective. In considering this contention, the FEA noted that an NOPV generally serves as a formal statement of charges and its purpose is to inform a person of the nature of the violations which are alleged. The FEA concluded in this case that Read & Stevens had been deprived of its right to respond to the full list of violations set forth in the Remedial Order because the FEA had failed to include all of the specified violations in the allegations contained in the NOPV. The FEA therefore determined that the Remedial Order was invalid in part and modified it to eliminate those refunds which the firm was directed to make that were based on the violations which had not been adequately alleged. The FEA also observed that the FEA has adequate statutory authority exists for the FEA to assess interest on overcharges and that the interest rates assessed, which are the same as those imposed by the Internal Revenue Service on underpayments or for the nonpayment of federal income taxes, are reasonable. The FEA therefore granted the Read & Stevens Appeal in part and modified the Remedial Order by deleting certain violations.

Rivkin Associates Inc.; Washington, D.C.; FFA–1378; Freedom of Information

Rivkin Associates, Inc. (Rivkin) appealed from a partial denial of a Request for Information which the firm had submitted under the Freedom of Information Act (the Act). In its initial request, Rivkin had sought copies of the winning technical proposal and the technical proposal scoring highest on technical grounds which had been submitted to the FEA in response to an FEA Request for Proposal for a "Review of State Coastal Zone Management Plans" (RFP 70068–00). The FEA Information Access Officer released certain portions of the requested material but withheld other portions on the grounds that they were exempt from disclosure under Sections 552(b)(4) and (b)(6) of the Act. In considering Rivkin's Appeal, the FEA determined that the names, project titles and all other information regarding the professional backgrounds of the employees of the firms which had submitted the winning and best technical proposal and which the Information Access Officer withheld pursuant to Exemption 6 of the Act were not intimate details of a highly personal nature which Exemption 6 was primarily designed to protect from public disclosure. The FEA also determined that the release of this type of information was in the public interest since it would permit the agency's contract award to be more critically evaluated and would permit bidders on future contracts to be more fully informed. The FEA therefore concluded that the release of this information would not represent a "clearly unwarranted invasion of personal privacy" as required under the terms of Section 552(b)(6) in order for that exemption to apply and determined that this material should be made available to the extent that it did not fall under another exemption. With respect to the material which the Information Access Officer withheld because it consisted of privileged or confidential information, the FEA determined that this information should be released since the only persons who could be injured by its release had notified the FEA that they had no objection to its release. The FEA therefore concluded that all of the documents which the Information Access Officer had withheld for Rivkin should be released to the firm.

REQUEST FOR EXCEPTION

John Wight, Inc.; Billings, Mont.; FEE–3944; Crude Oil

John Wight, Inc. (Wight) filed an Application for Exception from the provisions of 10 CFR 211.65. The exception request, if granted, would permit Wight to file an application prior to the time provided in the FEA regulations to request an allocation of crude oil under the Mandatory Crude Oil Buy/Sell Program. Wight seeks to obtain under the Buy/Sell Program a supply of crude oil for a refinery in Shelby, Montana which Wight proposes to rehabilitate and operate. In considering the exception application, the FEA found that Wight had not taken any significant preparatory steps in connection with its proposed rehabilitation of the refinery, nor had the firm presented any documentation which would show that the proposed refinery would represent a long-term profitable investment. Wight also failed to establish that the future production of the refinery would be readily marketable. Under these circumstances, the FEA concluded that the Wight submission did not satisfy the criteria which the FEA set forth in several previous Decisions for the approval of exception relief from the requirements of § 211.65(b)(1), nor were any additional grounds presented upon which exception relief could be approved. Wight's request for exception relief was accordingly denied.

REQUEST FOR SPECIAL REDRESS

Connecticut Refining Co.; West Haven, Conn.; FSG–0051; Crude Oil

The Connecicut Refining Company (Connecticut Refining) filed a Petition for Special Redress requesting an extension of time in which to respond to a subpoena which the Regional Administrator of FEA Region I issued to the firm on June 7, 1977. The subpoena required the submission to the FEA of information relating to Connecticut Refining's erroneous participation in the Entitlements Program for the months of December 1974 and January 1975. Connecticut Refining contended that it should be granted an extension of time in which to respond to the subpoena until the FEA furnishes the firm with certain information regarding the investigation to which the subpoena relates. After considering the Petition, the FEA determined that the types of assertions which the firm raised did not furnish a basis for approval of an extension of time. The FEA rejected Connecticut Refining's contention that an extension should be granted pending an explanation as to why FEA officials allegedly told the firm on March 10, 1977 that the matter to which the subpoena relates was closed when in fact it was still under investigation. The FEA concluded in this respect that Connecticut Refining's purchase on March 2, 1977 of entitlements equivalent in value to those which it erroneously sold for the months of December 1974 and January 1975 did not dispose of all possible issues related to the firm's erroneous participation in the Entitlements Program. Even assuming that Connecticut Refining could prove that FEA officials had in fact stated to the firm that the matter was closed, the FEA would not necessarily be precluded from conducting a further investigation. The FEA also rejected the claim that an extension of time was warranted on the grounds that in issuing the subpoena the FEA allegedly failed to comply with the procedural requirements contained in 10 CFR 205.201(c). In this regard the FEA found that Connecticut Refining had failed to show that the FEA had failed to meet the requirements of § 205.201 (c) and moreover that a contention that a subpoena is procedurally defective is more appropriately raised in the context of a motion to quash. In view of the foregoing considerations, the FEA denied the Petition.

REQUEST FOR MODIFICATION OR RESCISSION

Petroleum Management, Inc.; Wichita, Kans.; FRR–0115; Crude Oil

Petroleum Management, Inc. (PMI) filed a request for modification of a Decision and Order which was issued to the firm on May 31, 1977. "Petroleum Management, Inc.", 5 FEA Par. 85,078 (May 31, 1977). In that determination the FEA required PMI to establish an escrow account and place the sum of $81,348 into escrow as a condition of the approval of PMI's request for a stay of a Remedial Order which had been issued to the firm on April 27, 1977. PMI's request, if granted, would have resulted in the modification of the Stay to provide for the funding of the escrow account from revenues re-

ceived from future crude oil sales rather than requiring that the account be funded by an initial cash payment. PMI contended that this modification was necessary because the requirement that it directly fund the escrow account places a substantial burden on its limited resources. According to PMI, financing the escrow account out of future revenues is more equitable and would place the burden of funding the escrow account more directly on the parties which received the revenues generated by charging the unlawful prices concerned. In considering the request, the FEA determined that as a general rule it would henceforth permit small crude oil producers to fund escrow accounts on a prospective basis when the producer concerned does not own a substantial portion of the crude oil which was sold at unlawful price levels, and the producer demonstrates that placing the entire amount of the refunds into escrow would seriously deplete the firm's cash resources. Since PMI satisfied these criteria, its request for modification of the previous Stay was granted.

REQUESTS FOR STAY

Keener Oil Co.; Tulsa, Okla.; FRS-1387; Crude Oil

The Keener Oil Company (Keener) requested that a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to it on June 10, 1977 be stayed pending a final determination of the firm's Appeal. The Remedial Order found that Keener had sold crude oil which it produced at prices that exceeded the levels permitted by 10 CFR, Part 212, Subpart D. Accordingly, Keener was directed to refund the overcharges plus interest. In considering Keener's stay request, the FEA determined that the firm had satisfied the criteria for the approval of a stay set forth in "General Crude Oil Co.", 3 FEA Par. 85,040 (June 25, 1976), by showing that it would raise substantial issues in its Appeal and that it could encounter an undue burden in recovering the refunds which it is required to make if it ultimately succeeded on the merits of its Appeal. The FEA noted that in previous decisions, the approval of stay relief had generally been conditioned on the establishment and funding of an appropriate escrow account. In a recent Decision and Order which it issued to "Petroleum Management, Inc.", 6 FEA Par. — (July 26, 1977), the FEA permitted the escrow account which was required to be established in that case to be funded prospectively by having the purchasers of the crude oil deposit the revenues which they would ordinarily pay to the owners of the crude directly into the escrow account. However, the FEA determined that because of the substantial working interest which Keener owns in the properties where the overcharges occurred, and since the firm had made no showing that it would be adversely affected by placing the entire amount of the refunds into escrow, the type of prospectively funded escrow account permitted in "Petroleum Management, Inc." would be inappropriate. Keener was therefore required to place the full amount of the disputed funds in escrow.

Kingery Drilling Co.; Ardmore, Okla.; FRS-1392; Crude Oil

Kingery Drilling Company requested that a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to the firm on June 27, 1977 be stayed pending a final determination of the firm's Appeal or a judicial determination of a related matter pending in the United States District Court for the Eastern District of Oklahoma. The Remedial Order found that Kingery sold crude oil produced from various properties at prices in excess of the ceiling price levels specified in 10 CFR 212.73, and directed Kingery to refund the amount of the revenues which it had realized as a result of the overcharges. In considering Kingery's submission, the FEA found that the request for stay pending judicial review was premature. However the FEA also determined that the firm had satisfied the criteria for the approval of a stay set forth in "General Crude Oil Co.", 3 FEA Par. 85,040 (June 25, 1976), by showing that it would raise substantial issues in its Appeal and that it could encounter an undue burden in recovering the refunds required by the Remedial Order if it ultimately succeeded on the merits of its appeal. In accordance with previous Decision, a stay was granted on the condition that the contested funds be placed in an appropriate escrow account.

Louisiana Land and Exploration Co.; Washington, D.C.; FES-1376; Crude oil

Louisiana Land and Exploration Company filed a request that the provisions of a Decision and Order issued to the firm on May 27, 1977, "Louisiana Land and Exploration Co.," 5 FEA Par. 83,165 (May 27, 1977), which reduced the level of exception relief which had previously been granted to the firm, be stayed during the pendency of its Appeal from the May 27 Decision. The Request for Stay, if granted, would result in the issuance of an Order restoring exception relief to the firm at the level previously granted. In considering LL&E's request, the FEA found that the firm had raised substantial issues in its Appeal regarding the justification for the reduction in the level of exception relief which was made in the May 27 Decision. In addition, the FEA determined that denial of a stay relief would cause a more severe and immediate hardship to LL&E than to any other party concerned, and that the approval of a stay would not frustrate the attainment of any FEA policy objectives. Under these circumstances the FEA granted LL&E's stay request pending a determination on its Appeal of the May 27 Decision.

SUPPLEMENTAL ORDER

Charter Oil Co.; Jacksonville, Fla.; FEX-0148; Crude oil

On September 10, 1976, the FEA issued a Decision and Order to the Charter Oil Company which granted the firm exception relief from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) during the period September 1, 1976 through February 28, 1977. "Charter Oil Co.", 4 FEA Par. 83,000 (September 10, 1976). The exception relief was granted in accordance with the criteria set forth in "Beacon Oil Co.", 3 FEA Par. 83,209 (June 8, 1976) and "Delta Refining Co.", 2 FEA Par. 83,275 (September 11, 1975) and applied to Charter's crude oil receipts and runs to stills during the months of July through December of the firm's fiscal year ended December 31, 1976. In the September 10 Order, the FEA indicated that it would conduct a review of the exception relief which had been granted to Charter at the completion of the firm's 1976 fiscal year to determine whether Charter had received an appropriate measure of exception relief benefits during its 1976 fiscal year. The FEA further stated that Charter would be required to buy or sell additional entitlements to adjust for any discrepancy between its projected and actual financial results. Based upon its review of Charter's actual financial and operating results for the period April 1 through December 31, 1976, i.e., the portion of the firm's 1976 fiscal year that followed the rescission of Special Rule No. 6, the FEA determined that Charter had received an insufficient measure of exception relief during the period July through December 1976. Charter was therefore authorized to sell additional entitlements having a total value of $8,103,607 during the period August through October 1977.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase (in dollars per gallon)
Adobe Oil & Gas Corp	FEE-4295	Sale Ranch	0.0106
Southern Natural Resources, Inc	FEE-4320	Patterson	.0106
	FEE-4321	Lapeyrouse	.0132
Standard Oil Co. (Indiana)	FEE-4302	Calumet	.0080
	FEE-4303	Empire Ado	.0008
	FEE-4304	Ropes	.0218
	FEE-4305	Third Creek	.0363
	FEE-4306	White Flat	.0370
Superior Oil Co.	FEE-4297	TXL	.0060
Texaco, Inc.	FEE-4343	Coalings Ndse	.0072
	FEE-4344	Humble	.0370
	FEE-4345	Paradis	.0086
	FEE-4346	Pledger	.0135
	FEE-4375	Elmwood	.0105
Wel-Gas, Inc. of Texas	FEE-4292	Possum Kingdom	.1015

SUMMARY DECISION

The following submission was dismissed in a Summary Decision for failure to correct deficiencies in the applicant's filing as required by the FEA Procedural Regulations:
Orange Fuel Distributors; Orange Va.; FRA-1379

TEMPORARY STAY

The following Applications for Temporary Stay were denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:
Cities Service Oil Co.; Boston, Mass.; FRT-0045
Leonard E. Belcher, Inc.; Alexandria, Va.; FRT-0046

DISMISSAL

The following submission was dismissed following a determination by FEA that the relief requested was no longer necessary:
American Can Co.; Greenwich Conn.; FEA-1232

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, be-

tween the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

Dated: September 19, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-27805 Filed 9-22-77;8:45 am]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF EXCEPTIONS AND APPEALS

Week of August 1 Through August 5, 1977

Notice is hereby given that during the week of August 1 through August 5, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Atlantic Richfield Co.; Philadelphia, Pa.; FRA-1209; Motor Gasoline

Atlantic Richfield Co. (Arco) appealed from a Remedial Order which the Director of Regulatory Programs of FEA Region I issued to the firm on February 11, 1977. In the Remedial Order, the Regional Office required Arco to continue its supplier/purchaser relationship with Dennis J. Blandin (Blandin), a base period purchaser of motor gasoline from Arco. The Remedial Order further required Arco to supply FEA Region I with a full list of all wholesale/purchaser-resellers to whom Arco had given or intended to give notice of the termination of their supplier/purchaser relationships. In denying the portion of Arco's appeal relating to its refusal to supply Blandin, the FEA found that the situation presented in the Blandin case was clearly distinguishable from the circumstances surrounding the court's determination in a case cited by Arco, *Atlantic Richfield* v. *Zarb*, 532 F. 2d 1363 (Em. App. 1976). The FEA observed that, in contrast to the circumstances in the case cited, the February 11 Remedial Order stated the FEA's intention to enforce Arco's on-going obligation to supply Blandin with motor gasoline at any location which Blandin was entitled to occupy. Moreover, the FEA found that the Remedial Order did not interfere with local real property law, since the FEA would defer to the judgment of state courts concerning Blandin's right to continue to occupy the disputed Arco station. However, the FEA also found that the Remedial Order did not contain any finding with respect to any of Arco's customers other than Blandin and there was therefore no factual basis which could justify the requirement that Arco furnish FEA Region I with a list of all wholesale/purchaser-resellers whose relationship with Arco would be terminated. Consequently, that portion of the Remedial Order was rescinded.

Bassett Oil and Equipment Co., Inc.; Bassett, Va.; FRA-1276; Kerosene and No. 2 Fuel Oil

Bassett Oil and Equipment Co., Inc., filed an Appeal from a Remedial Order which was issued to the firm by FEA Region III. The Remedial Order found that during the period November 31, 1973, through December 31, 1975, Bassett improperly sold certain quantities of kerosene and No. 2 heating oil at prices that exceeded the maximum allowable price level specified in 6 CFR 150.-359 and 10 CFR 212.93. On the basis of this finding, the Remedial Order directed Bassett to refund the revenues which the firm had improperly received. In its Appeal, Basset contended that the Remedial Order is erroneous in fact and law because it fails to set forth sufficient factual material to support the findings made with respect to the firm's classes of purchaser. Bassett further contended that the Remedial Order fails to fully explain the basis for the remedial action which the firm is required to take. In considering the first contention, the FEA observed that the Remedial Order contains a reasonably complete indication of the basis for the findings made regarding Bassett's classes of purchaser and that in any event Bassett had failed to present any material in its Appeal which challenges those findings. With respect to the second Bassett contention, the FEA noted that the remedial action which the firm is required to undertake is clearly intended to result in price reductions and refunds to those customers which Bassett overcharged. In addition, the FEA found that Bassett had not even asserted in its Appeal that the remedial action was inappropriate or that it constituted an abuse of the FEA's discretion. Accordingly, the FEA rejected Bassett's contentions with respect to the adequacy of the Remedial Order. Bassett also contended in its Appeal that the Remedial Order is erroneous in fact because of certain errors in the FEA audit which led to the issuance of the Remedial Order. With respect to this contention, the FEA found that Bassett's claim that the FEA's audit calculations failed to include all of the firm's relevant purchases of No. 2 heating oil and kerosene was incorrect. However, the FEA also determined that the Remedial Order does not sufficiently explain the auditor's treatment of certain volumes of heating oil which Bassett exchanged with other resellers. Accordingly, the Remedial Order was remanded to FEA Region III for further findings on this issue.

Sklar & Phillips Oil Co.; Shreveport, La.; FRA-1181; Crude Oil

Sklar & Phillips Oil Co. (Sklar) appealed from a Remedial Order which was issued to the firm on December 17, 1976. In the Remedial Order, the FEA found that Sklar had sold the crude oil produced from three leases as "stripper well crude oil" when these properties did not qualify as stripper well properties and that the firm had sold the crude oil from its Williams lease as "new" crude oil when in fact that crude oil did not qualify as new crude oil. The Remedial Order therefore directed Sklar to refund the overcharges to the purchaser of the crude oil. In considering the Appeal, the FEA rejected the firm's contention that injection wells should be included for purposes of determining eligibility for the stripper well exemption. The FEA also found that contrary to an argument advanced by Sklar, any reliance the firm had placed on certain supportive advice allegedly received from an official of the Internal Revenue Service was certainly misplaced. The two communications from the IRS official which Sklar submitted were informal, personal opinions which did not qualify as statements of agency position upon which Sklar could justifiably reply. The FEA also determined that the Remedial Order correctly found that Sklar had improperly sold the crude oil from the Williams lease at new oil prices. In this regard, the FEA determined that the firm did not meet the criteria set forth in Ruling 1977-1 under which a well producing from a separate reservoir could qualify as a separate property under FEA regulations. However, the FEA also determined that the Remedial Order appeared to have incorrectly concluded that certain crude oil produced from another of Sklar's leases during April 1975 was not entitled to be sold at new oil prices. Accordingly, that portion of the Remedial Order was remanded to the Regional Administrator of FEA Region VI for further consideration of this issue. In all other respects the Appeal was denied.

Suburban Propone Gas Corp.; Whippany, N.J.; FRA-1314; Crude Oil

Suburban Propone Gas Corp. filed an Appeal from a Remedial Order which was issued to the firm by the Deputy Regional Administrator of FEA Region VI on April 25, 1977. The Remedial Order found that Suburban had sold crude oil at prices that exceeded the maximum levels permitted under the provisions of 10 CFR 212.73 and 6 CFR 150.353. The firm was therefore directed to refund the excess revenues, plus interest, to the purchaser who was overcharged. In its Appeal, Suburban contended that FEA Ruling 1974-29, which defines production wells for purposes of applying the stripper well lease exemption, is invalid since it constitutes a rulemaking proceeding and was issued without compliance with the provisions of the Administrative Procedures Act (APA). The FEA rejected this contention, finding that Ruling 1974-29 was not a rulemaking proceeding but simply a clarification of the terms underlying the regulations. This clarification, it was found, reflected the policy objectives of Congress in enacting the legislation. *See Sklar & Phillips Oil Co.*, 6 FEA Par. ..... (August 2, 1977). The FEA also rejected the firm's contention that it was arbitrary and capricious for the FEA to require it to refund the revenues attributable to prices which it allegedly charged in good faith prior to the issuance of the Ruling. The FEA found that while this allegation may be pertinent to the question of whether civil or criminal penalties may be appropriate, it has no bearing on the finding that the firm violated the FEA Price Regulations. Suburban's Appeal was therefore denied.

Texas City Refining, Inc.; Texas City, Tex.; FIA-1240; Crude oil

Texas City Refining, Inc. (TCR), filed an Appeal from an Interpretation which the General Counsel of the FEA issued to the firm on February 25, 1977. In the Interpretation the General Counsel determined that since two-thirds of the outstanding capital stock of TCR is owned by Agway Petroleum Corporation, a reseller of petroleum products, which in turn is a wholly-owned subsidiary of Agway, Inc., the entire entity consisting of Agway, Inc., Agway Petroleum and TCR and any other consolidated or unconsolidated entity controlled directly or indirectly by Agway, Inc. must be considered to be a single firm which is subject to the price regulations applicable to refiners. See 10 CFR, Part 212, Subpart E. In considering the TCR Appeal, the FEA noted that the definitions of the terms "firm" and "refiner" in Part 212, clearly indicate that a refiner for purposes of FEA price regulations includes the parent and the consolidated and unconsolidated entities, including any reseller and retailer entities which it directly or indirectly controls. Consequently, since TCR is a refiner, for purposes of the FEA Price Regulations, the entire firm consisting of Agway, Inc., Agway Petroleum and TCR must determine their maximum permissible selling prices for covered products under Subpart E of the FEA Price Regulations. Accordingly, the FEA determined that the Gen-

eral Counsel had properly interpreted the provisions of Part 212 and therefore denied the TCR Appeal.

The Refinery Corp.; Denver, Colo.; FXA-1252; Crude oil

The Refinery Corp. (TRC), filed an Appeal from a Decision and Order denying an Application for Exception which it had filed. "The Refinery Corp.," 5 FEA Par. 80,544 (February 18, 1977). The present TRC Appeal, if granted, would result in the rescission of the February 18 Order and the issuance of a new order relieving TRC of its obligations under the "Revised Notice of Special Correction Amounts under Entitlements Program," 41 FR 42700 (September 28, 1976). In its Appeal, TRC contended that the FEA's determination to deny exception relief is contrary to the statutory requirement that any FEA pricing regulation provide for a "* * * dollar-for-dollar passthrough of net increases in the cost of crude oil and refined petroleum products * * *." Section 4(b)(2)(A) of the Emergency Petroleum Allocation Act of 1973, as amended. In support of this contention, TRC argued that the Revised Notice of Special Correction Amounts has imposed additional costs upon TRC, and that the firm will never have an opportunity to pass through these costs to the marketplace because it sold its refinery operations to Asamera Oil (U.S.), Inc. In addition, TRC contended that the February 18 Decision is erroneous in fact in finding that the firm would not experience any financial difficulties in fulfilling its entitlement purchase obligation under the Revised Notice. In considering the TRC Appeal, the FEA observed that despite ample notification of the FEA's intention to recompute the entitlements obligations of all firms for the first ten months of the Entitlements Program, TRC had sold its refinery without planning for its contingent liability under the entitlements program. The FEA determined that TRC's failure to protect its own interests under the FEA Regulatory Program is not a proper basis for granting exception relief. The FEA also rejected TRC's assertions with respect to section 4(b)(2)(A) of the Emergency Petroleum Allocation Act. In this connection, the FEA observed that while under the FEA regulations TRC had the right to pass through its increased product costs prior to the sale of its refinery, the firm had no reason to assume that this right under FEA regulations would remain unchanged after it ceased being a refiner. Finally, the FEA concluded that, contrary to the firm's assertions, the firm has not experienced a serious financial hardship as a result of its obligation to purchase entitlements under the Revised Notice. Accordingly, the TRC appeal was denied.

REQUEST FOR EXCEPTION

State of Hawaii; Honolulu, Hawaii; FEE-3706; Motor gasoline, diesel fuel

The State of Hawaii filed an Application for Exception in which it requested that the exception relief granted to it in a prior Decision "State of Hawaii," 3 FEA Par. 83,245 (June 22, 1976), be made retroactive to the period May 1975 through June 1976. The June 22, 1976 Decision permitted distributors of motor gasoline and diesel fuel in Hawaii to increase their selling prices after that date to reflect an increase in the state license tax on those fuels. In considering the exception request the FEA found that only six firms, all of which are classified as refiners under the definition provided in 10 CFR 212.31, are required to remit the license tax on motor gasoline and diesel fuel to the State. The FEA found that, contrary to the State's contentions, it was not clear that the refiners which increased their prices for motor gasoline and diesel fuel to reflect the increase in the license tax were in violation of the FEA Regulations during the period May 1975 through June 1976. Furthermore, the FEA concluded that even if the six refiners in the State were in violation of the FEA Regulations during that period and are required to refund an unspecified amount of revenues to the marketplace, there was no evidence that such actions would result in an injury to the State or the citizens of Hawaii. The State's request for retroactive exception relief was therefore denied.

Texas Pacific Oil Co., Inc.; Dallas, Tex.; FEE-4120; Crude oil

Texas Pacific Oil Co., Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell a portion of the crude oil produced from the W. J. Decker Lease, East Baton Rouge Parish, La., at upper tier ceiling prices. In considering the exception request, the FEA found that the cost of producing crude oil from the Decker Lease property had increased since 1973 to a level where those costs now exceed the revenues which the firm may realize from the sale of the crude oil at lower tier ceiling price levels. The FEA concluded that under these circumstances Texas Pacific does not have an economic incentive to continue producing crude oil from the Decker Lease. The FEA also found that it was highly unlikely that the crude oil from the reservoir underlying the lease would be recovered by any other firms in the absence of exception relief. On the basis of previous precedents involving similar factual situations, the FEA concluded that the application of the lower tier ceiling price rule under these circumstances resulted in a gross inequity to Texas Pacific. Accordingly, on the basis of the operating data which the firm submitted for its most recently completed fiscal period, Texas Pacific was granted exception relief which permits the firm to sell at upper tier ceiling prices 10.2292 percent of the crude oil produced and sold from the Decker Lease for the benefit of the working interest owners.

REQUEST FOR STAY

Belo Gajdos and Al Daniels, d.b.a. Louis Butane Co.; Robstown, Tex.; FRS-1407; Propane

Belo Gajdos and Al Daniels, d.b.a. Louis Butane Co. (Louis), filed an Application for Stay of a Remedial Order which was issued to the firm by the Deputy Regional Administrator of the FEA Region VI. The Remedial Order found that during the period November 1, 1973, through July 31, 1975, Louis sold propane and propane/butane mix to its customers at price levels which were in excess of the maximum permissible levels for those products specified in 10 CFR 212.93 and 6 CFR 150.359. In order to remedy the violations cited, Louis was directed to refund to its customers $27,774.70 in overcharges plus interest. In considering the Application for Stay, the FEA found that Louis' submission did not raise any issues concerning the propriety of the Remedial Order and therefore a stay was not warranted under the standards set forth in "General Crude Oil Co.," 3 FEA Par. 85,040 (June 25, 1976). Furthermore, the FEA found that Louis' submission provided no substantiation whatsoever for the firm's contention that a denial of its stay request would result in irreparable harm or hardship to the firm. Accordingly, Louis' Application for Stay was denied.

SUPPLEMENTAL ORDERS

Southland Oil Co.; Jackson, Miss.; FEX-0142 Crude Oil

Subsequent to the rescission of Special Rule No. 6, the FEA issued a number of Decisions and Orders to the Southland Oil Company which granted the firm exception relief from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) during the months of April through December of the firm's fiscal year ended December 31, 1976. In those Orders the FEA indicated that at the conclusion of the firm's 1976 fiscal year the FEA would conduct a review of the exception relief which had been granted to Southland to determine whether Southland had received an appropriate measure of exception relief during that fiscal year. The FEA further stated that Southland would be required to buy or sell additional entitlements to adjust for any difference between its projected and actual financial results. Based upon its review of Southland's actual financial and operating results for the period April 1 through December 31, 1976, i.e., the portion of the firm's 1976 fiscal year that followed the rescission of Special Rule No. 6, the FEA determined that Southland had received an excessive amount of exception relief during its 1976 fiscal year. Southland was therefore required to purchase additional entitlements having a total value of $930,500 during the period August 1977 through July 1978.

State of Oregon; Salem, Oreg.; FEX-0177; Motor gasoline

On October 3, 1975, the Federal Energy Administration issued a Decision and Order to the State of Oregon, "State of Oregon," 2 FEA Par. 83,320 (October 3, 1975). In that Decision, exception relief was approved which permits refiners, resellers and retailers doing business in Oregon to increase their selling prices for motor gasoline above the maximum levels permitted by 10 CFR 212.82 and 212.83 in order to reflect a one cent per gallon increase in a state license tax on motor gasoline. The State thereafter informed the FEA that the Oregon Legislature had enacted legislation to increase the motor gasoline license tax, but that it had renumbered the license tax bill. The exception relief which was previously approved was therefore modified to reflect the change in the number of the license tax bill.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the products produced at the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase (in dollars per gallon)
Arkansas Louisiana Gas Co.	FEE-4352	Hamilton	0.0271
Devon Corp.	FEE-4406	Dubach	.0053
Estates of Inez and Leyce Phillips	FEE-4342	Nan-Su-Gail	.2357
Florida Gas Co.	FEE-3745	Brooker	(1)
Palo Pinto Oil & Gas Co.	FEE-4399	Markley	.03304
Sun Co., Inc.	FEE-4372	Jameson Steedman	.0111
	FEE-4373		.0099
Vickers Energy Corp.	FEE-4390	Grand Chenier	(1)

1 Denied.

SUMMARY DECISIONS

The FEA Office of Exceptions and Appeals has issued a Decision and Order extending the time within which the Regional Administrator of FEA Region VI should issue a revised Remedial Order to the following firm.

MacKellar, Inc.; Oklahoma City, Okla.; FEX-6179

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Louis Kahan; Tulsa, Okla.; FEE-4412

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

United Cab Co.; Tampa, Fla.; FEE-4141

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

A&H Transportation, Inc.; Baltimore, Md.; FRA-1385

Condor Tank Cleaning Co.; Abilene, Tex.; FEE-4382

The following submission was dismissed after a determination was made that under procedures recently established, application for relief could be directed to the appropriate FEA regional office:

Saveway Gas & Appliance, Inc.; Dexter, Mo.; FXE-4182

The following Appeal was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained, and an application for exception was therefore premature:

Georgetown University Law Center; Washington, D.C.; FFA-1400

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

Dated: September 19, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-27807 Filed 9-22-77;8:45 am]

STRATEGIC PETROLEUM RESERVE

Availability of the Draft Environmental Impact Statement for the Capline Group of Storage Sites

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C), the Federal Energy Administration (FEA) has prepared a draft environmental impact statement (EIS) on the proposed storage of crude oil at the Capline group of storage sites.

The Capline group of storage sites has been proposed as a key element of the Strategic Petroleum Reserve. The Reserve (mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C. 6231-6246) is intended for the storage of crude oil and/or petroleum products for use in the event of a Presidential determination of a severe energy supply interruption or a requirement to meet the obligations of the United States under the International Energy Program.

Single copies of the Capline draft EIS (DES 77-9) may be obtained from the National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of this draft EIS will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, between 8:00 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

Interested persons are invited to submit data, views, and arguments with respect to this EIS to Executive Communications, Box PR, Room 3317, Federal Energy Administration 12th and Pennsylvania, NW., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Capline Draft EIS (DES 77-9)." Fifteen copies should be submitted.

FEA will allow a minimum of 45 days for interested parties to comment, and will endeavor to comply with any requests (received during the 45-day period) for extensions of the review period. All comments should be received by FEA by November 7, 1977.

Any information or data, submitted in response to the Capline draft EIS, considered by the person furnishing it to be confidential must be so identified and submitted in 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.

Issued in Washington, D.C., September 19, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-27806 Filed 9-22-77;8:45 am]

FEDERAL POWER COMMISSION

ALGONQUIN GAS TRANSMISSION CO.

[Docket No. RP72-110 (PGA77-9a)]

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

(SEPTEMBER 14, 1977).

Take notice that Algonquin Gas Transmission Co. ("Algonquin Gas") on August 25, 1977, tendered for filing the following tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

Substitute Thirty-First Revised Sheet No. 10.
Substitute Thirty-Second Revised Sheet No. 10.
Substitute Alternate Thirty-Second Revised Sheet No. 10.

The above tariff sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision ("PGAC") set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The tariff sheets being filed to track supplier rate reductions are proposed to be substituted for prior filings made pursuant to the PGAC to parallel similar substitutions being made by Algonquin Gas' natural gas supplier, Texas Eastern Transmission Corp. ("Texas Eastern"), as more fully described in the filing.

The proposed effective date of Substitute Thirty-First Revised Sheet No. 10 is July 1, 1977. The proposed effective date of Substitute Thirty-Second Revised Sheet No. 10 and Substitute Alternate Thirty-Second Revised Sheet No. 10 is September 1, 1977.

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 the Sections 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 September 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party 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.77-27695 Filed 9-22-77;8:45 am]

[Docket Nos. ER76-229, ER76-633 and ER76-661]

CENTRAL LOUISIANA ELECTRIC CO.

Order Approving Settlement

SEPTEMBER 15, 1977.

On June 3, 1977, Central Louisiana Electric Co. (CLECO) submitted for filing in these dockets a proposed Settlement Agreement and a Motion to the Administrative Law Judge for Prompt Certification of Settlement Agreement. Presiding Law Judge Thomas L. Howe certified the proposed settlement to the Commission on June 7, 1977.

Notice of the filing of the Settlement Agreement was issued on June 22, 1977, with all protests due on or before July 8, 1977. No protests were received. Staff filed comments in support of the agreement on July 1, 1977, and on July 8, 1977.

CLECO's first filing in Docket No. ER76-229 was an initial rate schedule filed November 4, 1975, for service to Southwest Louisiana Electric Membership Corp. (SLEMCO) at Melville, La. on April 23, 1976 CLECO applied for a rate increase for service to SLEMCO in Docket No. ER76-229 and to the towns of Boyce and Elizabeth, La., and Gulf States Utilities Co., in Docket No. ER76-633. On April 30, 1976, CLECO tendered for filing in Docket No. ER76-661 proposed rate schedules, a supplemental letter agreement to an existing fixed-rate contract, and a separate Electric System Interconnection Agreement with a letter amendment, all of which involved service with Cajun Electric Cooperative (Cajun).

In an order issued May 28, 1976, the Commission accepted for filing and suspended the effectiveness of rate increases in the three dockets for various periods with the exception of rate increases to Cajun and SLEMCO in Docket No. ER76-633, which were rejected due to the existence of fixed-rate contracts. The order additionally called for a public hearing to determine the lawfulness and reasonableness of rate schedules filed in three dockets and consolidated the dockets for purposes of hearing and decision.

Settlement conferences were held involving CLECO and the Commission Staff on January 25, 1977 and March 2, 1977.[1] As a result of the conferences, settlement was reached on all of the issues relating the consolidated dockets.

The Settlement Agreement provides that, for Docket Nos. ER76-229 and ER76-633, billing for service rendered under Rate Schedule WR-1 for the period from August 1, 1976 (December 31, 1976 for the Town of Elizabeth) through May 31, 1977, would be limited to 80 percent of the amount computed under Rate Schedule WR-1 and Rider Schedule FA-W as it was originally filed.[2] Upon Commission approval of the Settlement Agreement, CLECO will file a revised Rate Schedule WR-1, included as an attachment to the Settlement Agreement, which exceeds the rates collected by CLECO from its customers prior to May 31, 1977, but is lower than the full rates which were initially proposed. The revised schedule is to be effective on and after June 1, 1977, for service to Boyce, Elizabeth, Gulf States Utilities Co., and SLEMCO at Melville.

The revised Rate Schedule WR-1 is based in part on the use of the following increased rates of depreciation for production plant: [3]

Account	Title	Rate percent
	Steam production plant:	
311	Structures and improvements	3.12
312	Boiler plant	3.33
314	Turbogenerator units	3.33
315	Excessory electric equipment	3.45
316	Miscellaneous	3.33
	Composite steam production	3.32
341-346	Other production plant (composite).	3.70

CLECO states in the agreement that while no refunds are required for service rendered prior to May 31, 1977, CLECO will make refunds with interest at 9 per cent annually for service rendered after that date.

The settlement agreement also includes resolution of the issues in Docket No. ER76-661 involving service to Cajun. It provides: (1) that the Electric System Interconnection Agreement between CLECO and Cajun dated April 27, 1976 and Service Schedules A, B, D, and E,[4] to that Agreement are approved as just and reasonable; (2) that CLECO will file a revised Service Schedule C—Supplemental Power, which is attached to the Settlement Agreement, upon Commission approval of the Agreement; (3) that the letter agreement dated April 15, 1976, amending the Agreement for Electric Service between CLECO and Cajun dated May 25, 1970 is approved as just and reasonable; (4) that CLECO agrees to make refunds to Cajun with interest at 9 per cent annual of excess amounts collected as a result of the modification of Service Schedule C to the Electric System Interconnection Agreement; (5) that CLECO agrees that it will not make service available to any other wholesale customer (besides Cajun) at the rates provided Cajun under the Electric System Interconnection Agreement and attached Service Schedules until the rates have been accepted by the Commission and been permitted to become effective for service to another customer.

Based on our review of the record in this proceeding, including the Settlement Agreement itself, the Commission finds that the proposed Settlement Agreement represents a reasonable resolution of all of the issues in these dockets, and that such settlement is in the public interest. Accordingly, the Settlement Agreement should be approved and should be accepted for filing and made effective as of the date of this order. The proposed settlement hereinafter approved by this order approves an increase in rates including a rate of return which does not exceed the rate indicated as reasonable by Staff (9.23 percent overall rate of return including 13.00 percent return on common equity) in its analysis of CLECO's filings.

The Commision finds: The proposed Settlement Agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The Settlement Agreement certified to the Commission in this proceeding on June 7, 1977, is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) CLECO shall file within 30 days of the issuance of this order revised tariff sheets in conformance with the Settlement Agreement.

(C) Within 30 days after the settlement tariff sheets are accepted for filing, CLECO shall refund amounts collected in excess of the settlement rates with the interest computed at 9 percent per annum.

(D) Within 15 days after refunds have been made, CLECO shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly rate refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commision within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) This order is without prejudice to any finding or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against CLECO or any person or party.

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[1] Counsel for SLEMCO, the only intervenor in these dockets, stated in a letter dated January 11, 1977 that SLEMCO "considers that its interests will be adequately represented by the Commission Staff," and therefore SLEMCO would not participate in settlement discussions.

[2] CLECO filed a supplement to Rate Schedule WR-1 on July 9, 1976 which provides for this 80 percent billing.

[3] These rates have the approval of the Commission's Audits Division, Office of Chief Accountant.

[4] Service Schedule A is for mutual emergency assistance; Schedule B is for transmission service; Schedule C is for Supplemental power service (for Schedule C service to Cajun, accompanying transmission service is required under Schedule B); Schedule D is for mutual surplus power service; and Schedule E is for mutual economy energy sales.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-27700 Filed 9-22-77;8:45 am]

[Docket No. RI75-109]

MURPHY OIL CORP.

Notice of Extension of Time

SEPTEMBER 14, 1977.

On September 12, 1977, Murphy Oil Corporation (Murphy) filed a motion for stay of the refund provisions of the Commission's Order Modifying Initial Decision, issued July 6, 1977, in the above designated proceeding. The motion requests a stay pending disposition of Murphy's appeal to the United States Court of Appeals for the Eighth Circuit of the July 6, 1977, Order and the Commission's subsequent Order Denying Rehearing, issued September 6, 1977.

In order to allow the Commission adequate time to consider and act upon Murphy's September 12 motion, notice is hereby given that an extension of time is granted to and including September 30, 1977, within which Murphy shall comply with the refund provisions of the July 6, 1977, Order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-27696 Filed 9-22-77;8:45 am]

[Docket Nos. RP74-100 (PGA76-2), RP76-101]

NATIONAL FUEL GAS SUPPLY CORP.

Order Dismissing Petition for Declaratory Order

SEPTEMBER 15, 1977.

On May 7, 1976, National Fuel Gas Supply Corp. (NFG) petitioned in Docket No. RP74-100 (PGA76-2) for a declaratory order finding that the rates NFG paid to small producers are just and reasonable under section 5 of the Natural Gas Act. Alternatively, NFG requests that, pending the outcome of the Commission's investigation of small producer rates under section 5, the Commission find that the purchased gas adjustment (PGA) charges requested in Docket No. RP74-100 (PGA76-2) which are attributable to small producer rates are just and reasonable under section 4(e) of the Natural Gas Act and that NFG should be permitted to collect such PGA charges without refund obligation. For the reasons discussed below, the Commission shall dismiss NFG's petition as moot.

On September 17, 1975, NFG filed proposed PGA charges in Docket No. RP74-100 (PGA76-2) which reflected in part increased rates paid to small producers. By order issued on October 17, 1975, the Commission found that NFG's proposed purchased gas adjustment was predicated in part on the cost of gas purchased from small producers at rates in excess of the "130 percent formula" level prescribed in Opinion No. 742.[1] Accordingly, the Commission suspended the proposed PGA charges for one day and established hearing procedures to determine the just and reasonable rate levels of those small producer purchases made at rates in excess of 130%. The Commission made the small producers receiving such rates respondents in the proceeding and instituted a Section 5 investigation so that the just and reasonable small producer rates determined in the proceeding could be applied prospectively.

By order issued February 19, 1976, the Commission stayed various PGA rate proceedings, including that in Docket No. RP74-100 (PGA76-2), insofar as the issues encompassed in the proceedings were closely related to the issues then before the Commission in the proceedings of general applicability in Docket Nos. R-393 and RM76-5. The issue of just and reasonable small producer rates was at that time pending before the Commission in Docket No. R-393 upon applications for rehearing of Order No. 742, and the issue of whether all small producers should conform their rates prospectively to a prescribed level was pending in Docket No. RM76-5.

Public notice of NFG's May 7, 1976, petition for a declaratory order, was issued on July 7, 1976, with answers due on July 23, 1976. Though NFG filed its petition in Docket No. RP74-100 (PGA 76-2), the petition was assigned Docket No. RP76-101, and the public notice appeared under that latter docket number. No answers were filed in response to the public notice.

On July 27, 1976, the Commission issued Opinion No. 742-A in Docket No. R-393. The Commission therein deleted from numerous proceedings including, Docket No. RP74-100 (PGA76-2) the issue of small producer purchases made at rates in excess of the levels prescribed in Opinion No. 742.[2] In Order No. 553[3] issued simultaneously with Opinion No. 742-A on July 27, 1976, the Commission determined that all small producer rates should be prospectively reduced to the ceilings prescribed in Opinion Nos. 742 and 742-A. That resolved the issue in the section 5 proceeding involving small producers in Docket No. RP74-100 (PGA76-2). As for whether NFG and other pipelines should be permitted to include in their PGA charges past small producer purchases made at levels in excess of the levels prescribed in Opinion Nos. 742 and 742-A, the Commission found in Opinion No. 742-A that such permission should be granted:

Insofar as the pipeline's responsibilities are concerned, we find their actions, in purchasing supplies of gas above the levels prescribed herein to be prudent under the circumstances. There is no question that the pipelines needed the supplies to offset deepening curtailment levels, and the availability of alternate sources of supply during this period is doubtful. Only the pipelines would be harmed if the rates were not approved and refunds were ordered. Accordingly, the Commission finds that the pipelines should be permitted to include these sales in their PGA increases.[4]

Having thus resolved the issues involving small producer purchases at levels in excess of 130 percent, the Commission terminated Docket No. RP74-100 (PGA 76-2).[5]

Inasmuch as there is no longer any question to be resolved regarding the small producer rates and NFG's refund obligation in Docket No. RP74-100 (PGA76-2), there is no need for the Commission to issue the declatory order requested by NFG in its petition of May 7, 1976. Accordingly, NFG's petition for such an order shall be dismissed as having become moot as a result of subsequent Commission action.

The Commission orders: (A) NFG's May 7, 1976 petition for a declaratory order is hereby dismissed as moot.

(B) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.27701 Filed 9-22-77;8:45 am]

[Docket No. CI77-648]

NORTHERN MICHIGAN EXPLORATION CO.

Notice of Limited-Term Application

SEPTEMBER 15, 1977.

Take notice that on July 15, 1977, Northern Michigan Exploration Company (NOMECO), One Jackson Square, Jackson, Michigan 49204, filed in Docket No. CI77-648 an application for a limited-term certificate of public convenience and necessity with pregranted abandonment to sell for resale approximately 5,000 Mcf/d from offshore Louisiana to Trunkline Gas Company (Trunkline). The volumes that are the subject of this application are unavailable beyond the limited term proposed because they are committed by contract to a permanent sale to Consumers Power Company as more fully set forth in the matter of Michigan Gas Storage Company, et al., Docket Nos. CP74-322, et al., currently pending before the Commission on rehearing. The price of the proposed sale herein to Trunkline will be at the nationwide rate set by the Commission in Opinion No. 770-A.

The gas that is the subject of this application is located at East Cameron Block 338, South Addition, Offshore, Louisiana. This gas will be sold at the

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[1] *Small Producer Regulation*, Docket No. R-393, Opinion No. 742 issued August 28, 1975.

[2] *Small Producer Regulation*, Docket No. R-393, Opinion No. 742-A issued July 27, 1976, mimeo ed. at 18.

[3] *Small Producer Regulation*, Docket No. RM76-5.

[4] Opinion No. 742-A, supra at 18-19.

[5] Opinion No. 742, supra at 20.

nationwide rates established under Opinion No. 770–A, subject to NOMECO's right to seek extraordinary or other rate relief from the Commission. Thus, initial deliveries will be made at the rate of approximately 95.8825¢ per Mcf for wells commenced on or after January 1, 1973 and prior to January 1, 1975, and 148.92¢ per Mcf for all wells commenced on or after January 1, 1975.

The term of the proposed sale is limited to the period during which the supply will be available. NOMECO seeks to sell to Trunkline until such time as a permanent certificate of public convenience and necessity is issued and accepted in Docket Nos. CP74–322, CP75–3, and CI74–738. Upon issuance and acceptance of such a certificate, NOMECO would commence deliveries to Consumers Power. NOMECO agrees to accept the same terms and conditions on the certificate sought in this docket as set forth by the Commission's order of June 24, 1975, in Docket No. CI75–581, and July 9, 1976 in Docket No. CI76–524.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 23, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-27704 Filed 9-12-77;8:45 am]

[Docket No. RP77–109]

NORTHWEST PIPELINE CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase Subject to Resolution of Separate Proceedings and Permitting Interventions

SEPTEMBER 15, 1977.

On July 1, 1977, Northwest Pipeline Corporation (Northwest) tendered for filing a proposed revision to its FPC Gas Tariff [1] which, if approved, would result in an increase in revenues of $45,890,800 annually based on the jurisdictional settlement test period volumes in Docket No. RP76–115, as adjusted. The proposed increased rates are designed to compensate Northwest for increased payments to owners of special overriding royalty interests. Northwest requests that the proposed increase be permitted to become effective on October 1, 1977. For the reasons set forth below, the Commission shall accept the proposed increased rates for filing, suspend their effectiveness for one day, and shall permit them to become effective on October 2, 1977, subject to refund and subject to the outcome of separate proceedings previously instituted by the Commission dealing with the special overriding royalties upon which Northwest's filing is predicated.

Northwest's proposed rate increase of 1.123 cents per therm is comprised of (1) a current charge of 0.653 cents per therm to recover the jurisdictional portion of a total annual increase of approximately $27 million in special overriding royalties and (2) a 0.470 cents per therm charge to amortize special overriding royalty payments made by Northwest for the period February 1, 1974,[2] through September 30, 1977. The jurisdictional portion of these payments is estimated to total approximately $34.4 million as of September 30, 1977. On June 30, 1977, Northwest made a payment of $28.7 million to the owners of special overriding royalty interests covering the period February 1, 1974, through June 30, 1977.

Northwest states that it has reached agreement with the special overriding royalty interest owners representing approximately 99 percent of the total volumes involved. The agreements specifically reserve the question of this Commission's jurisdiction over the owners of these royalty interests. The question of Commission jurisdiction is also the subject of a show cause proceeding instituted by the Commission on June 3, 1977, in Docket Nos. CP74–314, CP76–327, and CI77–526. Northwest is a party to this proceeding as are the special overriding royalty interest owners. The outcome of this proceeding may directly affect the terms, conditions and rates which are reflected in the agreements between Northwest and the royalty interest owners and which underlie Northwest's requested increase in rates in this docket.

Based on the foregoing considerations, the Commission finds that Northwest's proposed rate increase should be suspended for one day and permitted to become effective thereafter on October 2, 1977, subject to refund and modification as may be required upon final resolution of the proceeding in Docket CP74–314, et al.

Northwest requests waiver of Section 154.63 of the Commission's regulations, presumably so as not to be required to submit the detailed supporting statements normally required as a part of a pipeline rate filing. The Commission finds that good cause exists to waive the requirements of Section 154.63, provided however, that Northwest shall be required in the future to submit additional information, including any of the statements specified in Section 154.63, in the event the Commission determines such information is necessary in judging the justness and reasonableness of the proposed rate increase.

Public notice of Northwest's filing was issued on July 13, 1977, providing for protests on petitions to intervene to be filed on or before July 27, 1977. Timely petitions to intervene were filed by Cascade Natural Gas Corporation, Mobil Oil Corporation, Intermountain Gas Company, Northwest Natural Gas Company, and Colorado Interstate Gas Company. An untimely petition to intervene was filed by Washington Natural Gas Company; an untimely joint petition to intervene was filed by Public Service Company of Colorado, Western Slope Gas Company, and Cheyenne Light, Fuel and Power Company; and an untimely notice of intervention was filed by the Public Utilities Commission of the State of Colorado. The Commission finds that these petitioners have demonstrated an interest in this proceeding warranting their participation, and the petitions shall therefore be granted. The notice of the Colorado P.U.C. is acknowledged.

Northwest tendered for filing its proposed tariff sheet on July 1, 1977, with a request for an effective date of October 1, 1977. Section 154.22 of the Commission's regulations requires that proposed tariff sheets be filed not "more than sixty days prior to the proposed effective date." Northwest asked, pursuant to Section 154.51, that the proposed tariff sheets be accepted for filing on August 1, 1977, apparently so the filing would be within the sixty day notice period. The Commission believes that enlargement of the notice period in this case will not adversely affect any party. Accordingly, the sixty day notice requirement of Section 154.22 will be waived, and Northwest's proposed tariff sheets will be accepted for filing as of July 1, 1977.

The Commission orders: (A) Northwest's proposed Sixteenth Revised Tariff Sheet No. 10 is accepted for filing and suspended for one day until October 2, 1977, at which time it shall be permitted to become effective, subject to refund, upon motion filed by Northwest in accordance with the terms of the Natural Gas Act.

(B) The rates permitted to become effective by this order shall be subject to the final resolution of the proceeding in Docket No. CP74–314, et al., including any additional proceedings ordered therein.

(C) Section 154.63 of the Commission's regulations is waived subject to the Commission's right to obtain additional information which it may determine to be necessary in judging the justness and reasonableness of the proposed rate increase.

(D) The above named petitioners are permitted to intervene in this proceeding, subject to the Commission's rules and regulations.

[1] Sixteenth Revised Sheet No. 10 to Northwest's FPC Gas Tariff, Original Volume No. 1.

[2] February 1, 1974, is the date the oil and gas leases giving rise to the subject royalty payments were assigned to Northwest as a result of the divestiture of El Paso Natural Gas Company's Northwest Division.

(E) Section 154.22 of the Commission's regulations is waived to permit Northwest's proposed tariff sheet in this docket to be accepted for filing on July 1, 1977.

(F) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-27702 Filed 9-22-77;8:45 am]

[Docket No. CP77-606]

SEA ROBIN PIPELINE CO.

Notice of Pipeline Application

SEPTEMBER 14, 1977.

Take notice that on September 6, 1977, Sea Robin Pipeline Company (Sea Robin) filed in Docket No. CP77-606, an application for temporary and permanent certificate of public convenience and necessity, pursuant to Section 7(c) of the Natural Gas Act, as amended, authorizing the transportation of natural gas for Natural. Sea Robin states, that pursuant to a gas transportation agreement, it proposes to transport volumes of natural gas from Block 333, Eugene Island Area, Offshore Louisiana to a delivery point onshore located at the terminus of Sea Robin's pipeline near Erath, Vermilion Parish, Louisiana. Sea Robin further states that the gas purchased by Natural in the Block 333 Field will be transported through facilities Sea Robin has been authorized to construct as a result of its certificate of public convenience and necessity issued in Docket No. CP76-428; upon completion of such facilities, Sea Robin will have capacity to transport Natural's Block 333 Field gas at a contract quantity of 13,500 Mcf of gas per day for Natural, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 6, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-27697 Filed 9-22-77;8:45 am]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Availability of Environmental Impact Statement for Inspection

Notice is hereby given that on or about September 30, 1977, as required by the Commission Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) was placed in the public files of the Federal Power Commission.

This statement deals with the enviornmental impacts of the issuance of a new license to the South Carolina Public Service Authority for continued operation and maintenance of the Santee-Cooper Project. The project, originally licensed for a 50-year term on April 2, 1926, consists of 97,274-acre Lake Marion impounded by Santee Dam on the Santee River, 55,394-acre Lake Moultrie impounded by Pinopolis Dam and several dikes, a 7.5-mile long Diversion Canal connecting the two lakes, and a 4.5-mile long Tailrace Canal discharging from Lake Moultrie into the Cooper River. Hydroelectric generating capacity totals 134,535 kW from two plants. Outdoor recreational facilities have been developed by various public and private entities under leases from the Applicant, and by the Applicant in existing residential-recreational subdivisions. Several project areas are managed by Federal and State wildlife agencies. The Applicant proposes no major alteration of project works in its application for new license. However, the Applicant has filed for Commission approval applications for proposed construction of three residential-recreational developments on project lands: Pintail Island, Mill Creek, and Clarendon Shores; and several applications on behalf of contiguous landowners proposing canals connecting to project waters. In addition, the Applicant has filed a proposed land use plan for future management and development of project lands and waters.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its Atlanta Regional Office Room 500, 730 Peachtree Street, N.E., Atlanta, Georgia 30308. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-27705 Filed 9-22-77;8:45 am]

[Docket No. RP77-120]

STINGRAY PIPELINE CO.

Order Accepting for Filing and Suspending Proposed Rate Increase Initiating Hearing, and Establishing Procedures

SEPTEMBER 14, 1977.

On August 15, 1977, Stingray Pipeline Company (Stringray) tendered for filing proposed changes to its FPC Gas Tariff [1] which would increase jurisdictional revenues by approximately $7.2 million annually based on costs and sales volumes for the twelve months ended June 30, 1977, as adjusted for known and measurable changes through March 31, 1978. An effective date of September 15, 1977 is requested. As stated below, the Commission shall accept the proposed tariff sheet for filing, suspend its use until February 15, 1978, and set this matter for hearing.

Public notice of Stingray's filing was issued on August 23, 1977, providing for protests or petitions to intervene to be filed on or before September 8, 1977.

Stingray states that the Commission's order of November 8, 1974, in Docket No. CP73-27 requires a rate filing within 45 days after the issuance of long term debt capital by Stingray, and that it issued $145 million in long-term securities on July 1, 1977. It further states that the principal reasons for the proposed rate changes are increases in operating and maintenance expenses, facility rental payments and debt costs. A rate of return of 10.04%, including a 13.00% allowance on common equity, is claimed.

Stingray requests waiver of Section 154.63(e)(2)(ii) of the Commission's Regulations to permit inclusion of costs associated with certain offshore facilities for which certificate authorization is being sought in Docket No. CP76-97. Stingray estimates that these facilities can be placed in service on December 1, 1977, and requests that any suspension period for this rate increase terminate on the date that these facilities are put into service. The Commission will grant waiver of Section 154.63(e)(2)(ii). However, Stingray's request for a shortened suspension period is denied since certificate authorization in Docket No. CP76-97 has not been issued and it does not appear that the proposed facilities therein can be constructed and placed into service by December 1, 1977. Therefore, the Commission will suspend Stingray's filing

[1] Revised Sheet No. 4 to Original Volume No. 1.

until February 15, 1978, upon condition that Stingray file on or before February 15, 1978, a revised tariff sheet reflecting the elimination of all costs associated with facilities which will not be certificated and placed in service by February 15, 1978. This is without prejudice to Stingray seeking a shortened suspension period in the event certificate authorization in Docket No. CP76-97 is granted by the Commission and the facilities therein are constructed and placed in service prior to February 15, 1978.

Based on a review of Stingray's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Stingray's proposed rates for filing, suspend their use until February 15, 1978, and set the matter for hearing.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and it is in the public interest that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by Stingray and that the same be accepted for filing and suspended as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Stingray.

(B) Pending hearing and decision, Stingray's proposed rate increase is accepted for filing and suspended until February 15, 1978, when it shall be permitted to become effective, subject to refund, upon motion filed by Stingray in accordance with the provisions of the Natural Gas Act.

(C) On or before February 15, 1978, Stingray shall file a revised tariff sheet reflecting the elimination of all costs associated with facilities which will not be certificated and placed in service by February 15, 1978.

(D) The Commission staff shall prepare and serve top sheets on all parties on or before November 11, 1977.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish procedural dates as may be necessary and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-27698 Filed 9-22-77;8:45 am]

[Docket No. CP77-603]

TRUNKLINE GAS CO.

Notice of Pipeline Application

SEPTEMBER 14, 1977.

Take notice that on September 2, 1977, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-603 an application pursuant to Section 7(c) of the Natural Gas Act and the regulations thereunder for a Certificate of Public Convenience and Necessity authorizing the transportation of natural gas on behalf of Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), and for a temporary certificate therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes transportation on a best efforts interruptible basis up to 10,000 Mcf per day between West Cameron Block 269, Offshore Louisiana and an existing point of delivery to Michigan Wisconsin near the Calumet Plant in St. Mary Parish, Louisiana, pursuant to an agreement between Michigan Wisconsin and Applicant dated July 13, 1977. Applicant proposes to utilize a portion of its capacity pursuant to existing Transportation Agreements with Stingray Pipeline Company and Natural Gas Pipeline Company of America to perform this service. The service would be performed until the parties effect a long-term exchange of Michigan Wisconsin's volumes in West Cameron Block 265 and Trunkline's volumes in High Island Blocks A-0327, A-330 and/or A-332, or until July 15, 1978, whichever is earlier.

Any person desiring to be heard or to make any protest with reference to said application, on or before October 6, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-27699 Filed 9-22-77;8:45 am]

[Docket No. ER77-313]

UNION LIGHT, HEAT AND POWER CO.

Order Approving Interim Agreement

SEPTEMBER 15, 1977.

On July 14, 1977, Union Light, Heat and Power Company (Union) filed with this Commission a Motion for Approval of Interim Agreement with its single wholesale customer, the City of Williamstown, Kentucky (Williamstown). For the reasons set forth below, the Commission finds that the Interim Agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

On April 19, 1977, Union tendered for filing with this Commission revised rates for service to Williamstown.[1] In its filing, Union stated that the proposed rates would result in an estimated increase of $137,146 (37%) based upon the twelve month period ending June 30, 1976. In its order issued May 19, 1977, the Commission suspended the proposed increase for two months to become effective on July 21, 1977, subject to refund.

In order to temper the rate increase accepted by the Commission's May 19 order and to lessen the impact upon the City's customers, Union states that it has entered into an Interim Agreement with Williamstown which provides that the increase shall be in two steps. The first step of the increase, approximately $74,000 (20%), would be achieved through the effectuation on July 21, 1977 of an interim rate, Rate WS-S(I). Rate WS-S(I) would remain in effect until July 21, 1978 at which date it would be superseded by either the originally proposed rate (WS-S), if final resolution of the increase has not been determined by the Commission before that date, or by the rate approved by the Commission

[1] Rate WS-S, FPC Electric Tariff Original Volume No. 1.

where the effective date precedes July 20, 1978.[2]

The Interim Agreement also provides for refunds to Williamstown in the event that the Commission's finally approved rate is less than the rate Union has charged for the period from July 21, 1977 to the effective date of the Commission's approved rate, and for refunds in the event that the Interim Agreement is not approved in time for Union to charge Williamstown under the interim rate for the period beginning July 21, 1977.

Based upon our review of the record in this proceeding, we conclude that the Interim Agreement is in the public interest. Accordingly, the Interim Agreement between Union and Williamstown filed on July 14, 1977 should be approved.

The Commission finds: The proposed Interim Agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders:

(A) The Interim Agreement between Union and Williamstown, filed with the Commission on July 14, 1977, is hereby approved and made effective as of July 21, 1977. For the designations and effective dates of the rate schedules and service agreement provided in the Interim Agreement, see Attachment A hereto.

(B) Within 30 days of the date of this order, Union is hereby directed to refund the difference in revenues collected under FPC Electric Tariff Orig. Vol. No. 1 and the revenues authorized to be collected pursuant to the terms of the Interim Agreement as approved herein. Pursuant to Commission orders in Docket No. RM74-18, issued October 10, 1974 and December 6, 1976, the interest on such refunds shall be paid at the rate of 9% per annum.

(C) The Commission hereby orders that Section 35.3 of the Commission's Rules (18 CFR 3.5) be waived in order that Union's executed Service Agreement with Williamstown, provided in the Interim Agreement approved herein, be approved for filing to be effective as of July 21, 1977.

(D) Union shall continue to file with the Commission the report on billing determinants and revenues as required by Section 35.19a of the Commission's Regulations (18 CFR 35.9a).

(E) This Order is without prejudice to any findings or orders which may have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order in any proceeding now pending or hereafter instituted by or against Union or any person or party.

(F) The Secretary of the Federal Power Commission shall cause prompt publication of this order in the Federal Register.

By the Commission.

KENNETH F. PLUMB,
Secretary.

DESIGNATIONS AND EFFECTIVE DATES OF THE RATE SCHEDULES AND SERVICE AGREEMENT PROVIDED IN THE INTERIM AGREEMENT FILED ON JULY 14, 1977

Dated: (1) undated; (2) April 19, 1977; (3) July 21, 1977.

Filed: (1) and (3) July 14, 1977; (2) April 19, 1977.

Effective: (1) and (3) July 21, 1977; (2) July 21, 1978, all subject to refund.

(1) 1st Revised Sheet No. 4 under FPC Electric Tariff Orig. Vol. No. 1 (Supersedes Orig. Sheet No. 4).

(2) 2nd Revised Sheet No. under FPC Electric Tariff Orig. Vol. No. 1 (Supersedes 1st Revised Sheet No. 4) (Same as Orig. Sheet No. 4).

(3) Service Agreement under FPC Electric Tariff Orig. Vol. No. 1 (Supersedes Unexecuted Service Agreement).

[FR Doc.77-27703 Filed 9-22-77;8:45 am]

[Docket No. RP 76-31]

LOUISIANA-NEVADA TRANSIT CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 21, 1977.

Take notice that Louisiana-Nevada Transit Company on August 26, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Volume 1. The proposed changes are to reflect changes in purchased gas cost as provided in the company's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G-1. The change provides for a total adjustment of 12.49¢ per Mcf including a deferred gas cost adjustment of 0.25¢ per Mcf, to amortize a deferred balance, and a cumulative cost of gas adjustment of 12.24¢ per Mcf. The proposed effective date is September 1, 1977.

Copies of the filing were served upon the company's jurisdictional customer and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 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 September 26, 1977. 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.77-27959 Filed 9-22-77;8:45 am]

[Docket No. RP76-31]

LOUISIANA-NEVADA TRANSIT CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 21, 1977.

Take notice that Louisiana-Nevada Transit Company on August 26, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Volume 1. The proposed changes are to reflect changes in purchased gas cost as provided in the company's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G-1. The change provides for a total adjustment of (0.99¢) per Mcf including a deferred gas cost adjustment of (2.03¢) per Mcf, to amortize a deferred balance, and a cumulative cost of gas adjustment of 1.04¢ per Mcf. The proposed effective date is July 1, 1977.

Copies of the filing were served upon the company's jurisdictional customer and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 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 September 26. 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.77-27960 Filed 9-22-77;8:45 am]

FEDERAL RESERVE SYSTEM

KANSAS CITY BANCSHARES, INC.

Formation of Bank Holding Company

Kansas City Bancshares, Inc., Kansas City, Mo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842 (a)(1)) to become a bank holding company by acquiring 67.2 percent of the voting shares of Kansas City Bank and Trust Co., Kansas City, Mo., and 97 percent of the voting shares of Westport Bank, Kansas City, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. 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 no later than October 14, 1977.

[2] Rate WS-S(I) and a copy of an executed ten-year Service Agreement between Union and Williamstown, proposed to be effective July 21, 1977, were filed with the Interim Agreement. See Attachment A for the designations and effective dates of the rate schedules and service agreement provided in the Interim Agreement.

Board of Governors of the Federal Reserve System, September 16, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-27787 Filed 9-22-77;8:45 am]

ROSE CREEK, INC.

Order Approving Formation of Bank Holding Company

Rose Creek, Inc., Hubbell, Nebr. ("Applicant") has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent, less directors' qualifying shares, of the voting shares of Hubbell Bank, Hubbell, Nebr. ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (42 FR 37057 (1977)). The time for filing comments and views has expired and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank. Upon acquisition of Bank (which has deposits of $1.5 million) Applicant will control the 436th largest bank in Nebraska, and hold .02 percent of total deposits in commercial banks in the State.[1] Bank is the smallest of 16 banks operating in the relevant banking market, which is approximated by northern Republic County in Kansas and southwestern Jefferson, southeastern Nuckolls and Thayer Counties in Nebraska.

Certain principals of Applicant are also principals in one other one-bank holding company in Nebraska. The subsidiary bank of this holding company is located in the market area of Bank. Inasmuch as this subsidiary bank and Bank together hold only 3.09 percent of total deposits in the market and this proposal represents a reorganization of the present ownership into corporate form, it appears that consummation of the proposal would not have an adverse effect on existing competition. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are entirely dependent upon those of Bank. Applicant projects a 10-year amortization period for its acquisition debt. Applicant's projected schedule for the retirement of acquisition debt appears to provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements while maintaining an adequate capital position for Bank. The managerial resources of Applicant and Bank are considered satisfactory and the future prospects of each appear favorable. Accordingly, considerations relating to banking factors are consistent with approval of the application.

Recent actions taken by Bank's current owners to expand the services offered to the community suggest that the Bank will continue to better serve the community in the future. Accordingly, convenience and needs, considerations are consistent with approval. Consummation of the transaction would be in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective September 16, 1977.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.77-27788 Filed 9-22-77;8:45 am]

DANIELS INSURANCE AGENCY, INC.

Order Approving Acquisition of Bank Shares

Daniels Insurance Agency, Inc., Hobbs, New Mexico, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to exercise rights to acquire voting shares of First National Bank of Lea County, Hobbs, New Mexico ("Bank"). As a result of the exercise of these rgihts, Applicant would continue to hold directly or indirectly 38.5 percent of the voting shares of Bank. Applicant has also applied to retain 6,221 shares of Bank previously acquired without prior approval of the Board. The shares acquired without prior Board approval represent 4.25 percent of Bank's voting shares.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Bank, the largest of three banks in the relevant banking market,[2] holds deposits of approximately $96.9 million, representing 44.2 percent of the total deposits in commercial banks in the market. Applicant presently owns directly or indirectly 38.5 percent of the voting shares of Bank.[3] In view of the fact that Applicant presently controls Bank, consummation of the proposal would not have any adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the area. Competitive considerations, therefore, are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant appear favorable. The same considerations with respect to Bank are regarded as generally satisfactory. Thus, the banking factors with respect to both Applicant and Bank are consistent with approval of the application. Although there will be no immediate increase in the services offered by Bank as a result of the proposed transaction, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above, but with the distinct understanding that Applicant will take steps to maintain compliance with the Act and the Board's regulations. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later

[1] All banking data are as of December 31, 1976.

[2] The relevant banking market is approximated by Lea County.

[3] In 1975 and 1976 Applicant, without the prior approval of the Board, acquired additional shares of Bank. The 1975 acquisition involved the repurchase by Applicant of shares that it had recently sold to a third party. The 1976 acquisition consisted of Applicant's participation in a rights offering by Bank. As a result of these acquisitions, Applicant's interest in Bank increased by less than one percent. Prior to 1973 Applicant owned more than 50 percent of the voting shares of Bank. At that time, because it owned a majority of the voting shares of Bank, Applicant could have acquired additional shares of Bank, without the prior approval of the Board, in view of section 3(a)(B) of the Act. In 1973 Applicant's interest in Bank was reduced to less than 50 percent. It appears that at the time that it made the above acquisitions, Applicant mistakenly believed that section 3(a)(B) was still available to it.

Applicant's acquisition of additional shares of Bank without prior Board approval violated the Act. It appears, however, that such violations resulted from a misunderstanding of the applicability of section 3(a)(B) of the Act and were inadvertent. The Board has scrutinized the underlying facts surrounding the acquisition of shares of Bank without the Board's prior approval. In particular, the Board notes that Applicant has taken prompt action to bring its investment in Bank into conformity with the Act and has taken steps to insure that such violations will not occur in the future. The Board is of the opinion that the above violations, in view of the facts surrounding them and the entire record on this application, do not reflect so adversely on management of Applicant as to warrant denial of the subject application.

than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 19, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-27884 Filed 9-22-77;8:45 am]

DEPORT BANCSHARES, INC.

Formation of Bank Holding Company

Deport Bancshares, Inc., Deport, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of The First National Bank of Deport, Deport, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. 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 no later than October 18, 1977.

Board of Governors of the Federal Reserve System, September 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-27885 Filed 9-22-77;8:45 am]

NATIONAL BANCSHARES CORPORATION OF TEXAS

Acquisition of Bank

National Bancshares Corporation of Texas, San Antonio, Tex., 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 100 percent (less directors' qualifying shares) of the voting shares of Meyerland Bank, Houston, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. 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 19, 1977.

[3] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson, Partee, and Lilly.

Board of Governors of the Federal Reserve System, September 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-27886 Filed 9-22-77;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 16, 1977 (FMC and NRC), and September 19, 1977 (CAB). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice 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 FMC, NRC, and CAB requests 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 requests, comments (in triplicate) must be received on or before October 11, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

NUCLEAR REGULATORY COMMISSION

The NRC requests an extension without change clearance of Form 241, Report of Proposed Activities in Non-Agreement States. This form is used to inform the NRC of the locations and dates of activities to be conducted in Non-Agreement States for a period not to exceed 180 days in any calendar year. NRC estimates respondents to be approximately 130 licensees and reporting burden to average 15 minutes per report.

FEDERAL MARITIME COMMISSION

The FMC requests an extension without change clearance of Form FMC-12, Application for Admission to Practice Before the Federal Maritime Commission, submitted pursuant to Paragraph 502.27, FMC Rules of Practice and Procedures (G.O. 16). The Commission's rule requires persons not attorneys at law to apply for admission to practice before the Commission. The data in the application is used by the Commission to determine whether an applicant possesses the necessary legal, technical, or other qualifications to enable him to render valuable service before the Commission and is otherwise competent to advise and assist in the presentation of matters before the Commission. The FMC estimates that there are approximately 30 applicants per year and that reporting burden averages 30 minutes per application.

The FMC is requesting clearance of a new Form FMC-11P, Letter Requesting Data Omitted on Form FMC-224P (Application for Certificate—Alaska Pipeline). Form 11P is a follow-up letter used to request necessary data missing from an incomplete Form 224P application or an incomplete written request for the addition of vessels in order to process the application. The FMC estimates that approximately 100 respondents file this information annually and that reporting burden averages 15 minutes per report.

CIVIL AERONAUTICS BOARD

The CAB requests clearance of a new report form, CAB Form AP-16, Procedures for Allocating Income Taxes Among Transport Entities, Affiliates, and Nontransport Divisions, established for all certificated air carriers (currently 44). This Form is a new addition to be submitted pursuant to sections 22(d) and 32(d) of Part 241 of the Board's Economic Regulations. Submission of Form AP-16 by the certificated air carriers is mandatory under section 407 of the Federal Aviation Act of 1958, as amended. The CAB estimates respondent reporting burden to average one-half hour per report.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-27887 Filed 9-22-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[GSA Order PBS 1095.1C]

IMPLEMENTATION OF ENVIRONMENTAL POLICY

Preparation Procedures

Notice is hereby given that the General Services Administration, Public Buildings Service, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), has revised internal procedures for preparing environmental impact statements for facility planning programs in acquisition, leasing, design, construction, management, and alterations to GSA property.

Public comments have been considered in the preparation of this final order.

Dated: August 29, 1977.

JAMES B. SHEA,
Commissioner,
Public Buildings Service.

GSA ORDER

SUBJECT: IMPLEMENTATION OF ENVIRONMENTAL POLICY

1. *Purpose.*—a. This order implements GSA Order ADM 1095.1A by prescribing procedures for Public Buildings Service (PBS) facility planning programs in acquisition, leasing, design, construction, management and alterations to General Services Administration (GSA) property.

b. This order shall be further implemented by the publication of a service order for each region of the Public Buildings Service. Each regional service order shall be applicable to PBS facility planning programs in acquisition, leasing, design, construction, management, and alteration to GSA property. Each regional service order shall be approved by the Assistant Commissioner for Space Planning and Management (PR) prior to its implementation.

2. *Cancellations.* PBS Order 1095.1B and all implementing instructions, memoranda, and letters issued prior to the issuance of this order are hereby canceled.

3. *Background.*—a. The laws, Executive Orders, and directives to be implemented include the National Environmental Policy Act of 1969, as amended, (42 U.S.C. 4321, et seq., hereinafter referred to as NEPA); Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality"; section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f); Executive Order 11593 of May 13, 1971, entitled "Protection and Enhancement of the Cultural Environment"; GSA Order ADM 1095.1A, entitled "Environmental considerations in decisionmaking"; GSA Order PBS 1022.1, entitled "Protection of Historic Properties"; Executive Order 11752 of December 17, 1973, entitled "Prevention, Control, and Abatement of Environmental Pollution of Federal Facilities"; and the Guidelines issued by the Council on Environmental Quality (CEQ) for preparing environmental impact statements, (hereinafter referred to as the Guidelines), published in the FEDERAL REGISTER August 1, 1973, 38 FR 20550, and amended in the FEDERAL REGISTER on August 7, 1973, 38 FR 21265.

b. Section 102 of NEPA directs all Federal agencies to the fullest extent possible: (1) To utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental desgn arts in planning and decisionmaking which may have an impact on man's environment; (2) to identify and develop methods and procedures which will ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations; (3) to include in every recommendation or report on proposal for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official which includes to the fullest extent possible the following:

(a) The environmental impact of the proposed action;

(b) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(c) Alternatives to the proposed action;

(d) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(e) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

c. Executive Order 11514 effectuates the purpose of NEPA, and the revised Guidelines implement NEPA.

4. *Procedures.* a. Environmental assessments, negative declarations, draft and final EIS's prepared under the direction of the Regional Commissioners on planning, acquisition, and alteration programs shall be submitted to the Assistant Commissioner for Space Planning and Management (PR). The Assistant Commissioner for Space Planning and Management (PR) shall forward copies to the Office of General Counsel (L) and the Director, Special Studies and Programs Office (PW). All such review periods shall run concurrently for a period of 10 workdays from the date of receipt for negative declarations and environmental assessments. The review period shall be 15 workdays from the date of receipt for draft and final EIS's. Any requests for additional information or revision shall be directed to the appropriate service or staff office program official. All comments shall be forwarded to the Assistant Commissioner for Space Planning and Management. All comments so forwarded shall be prepared in a consolidated response to the region. The Commissioner, PBS (P), shall reconcile any differences concerning the need for additional information or revision that may arise between program officials and other reviewing offices, except that final approval for legal sufficiency shall be the responsibility of the General Counsel or his designee. Environmental assessments shall be attached to negative declarations. Unless otherwise notified within 10 workdays from receipt of the negative declaration-environmental assessment and 15 workdays from receipt of the draft EIS or final EIS, the Assistant Commissioner for Space Planning and Management, and/or the regional office shall assume the environmental assessment and negative declaration or draft EIS or final EIS are adequate.

b. The Regional Administrator shall retain the nondelegable authority, subject to the terms and details herein, for final approval of negative declarations and both draft and final EIS's. Further, the Regional Administrator maintains the responsibility for transmitting draft and final EIS's to the Council on Environmental Quality (CEQ), heads of Federal Agencies, Governors, Senators, and Congressmen. The preparation of EIS's shall be in cooperation and coordination with all appropriate PBS officials. Distribution of EIS's shall be carried out consistent with the terms and conditions of GSA Order ADM 1095.1A. Regional offices shall also maintain responsibility for responding to substantive comments received on the draft EIS and for the preparation and publication of the final EIS. Additional procedures for the implementation of this order are contained in the attachment of this order.

5. *Nature of reissuance.*—This order is reissued to reflect the requirements of NEPA, the implementation of CEQ Guidelines, GSA Order ADM 1095.1A, PBS Order 1022.1, and all applicable environmental laws and regulations.

6. *Reports.*—The report required by this order is exempt from the reports control program.

JAMES B. SHEA, Jr.,
Commissioner,
Public Buildings Service.

ATTACHMENT

IMPLEMENTATION OF ENVIRONMENTAL POLICY

1. *Responsible officials for determining the course of environmental action.*—The Regional Commissioners, PBS, have the initial responsibility for making the threshold decision for (1) determination whether an action is "a major Federal action significantly affecting the quality of the human environment", and (2) the preparation and documentation of files with environmental impact assessments (EIA). EIA's resulting in negative declaration or draft and final environmental impact statements (EIS). The PBS Assistant Commissioners and the Associate Commissioner for Project Management (PJ), may request the preparation of EIA's or draft and final EIS's from the Regional Commissioners. However, when the proposed action has been designated as a project pursuant to GSA Order ADM 5400.24, entitled "Project Management in the Public Buildings Service," such determination shall be made only after consultation with the Project Manager.

a. Assistant Commissioner for Space Planning and Management (PR), shall be responsible for the overall direction of environmental protection within PBS for those policy and procedure programs listed in paragraph one (1), of PBS Order 1095.1C and the following:

(1) Provide professional and technical guidance to the Commissioner, PBS (P), Associate Commissioner and other Assistant Commissioners, PBS, and Regional Commissioners, PBS;

(2) Review, coordinate and consolidate the PBS EIA/EIS review comments by the Office of General Counsel (L); Director, Special Studies and Programs (PW); and other appropriate service and staff offices and transmit such comments to the appropriate office;

(4) Consult with the Director, Special Studies and Programs (PW), and the Office of General Counsel (L), on matters pertaining to compliance with environmental laws by PBS and on matters relating to environmental protection in PBS;

(4) Develop and coordinate service orders, regulations and guidance on the PBS environmental programs;

(5) Assist the regional offices in scheduling environmental considerations to preclude delays in completing those actions defined in this attachment;

(6) Review new environmental technology, research and development; and

(7) Initiate new environmental programs.

b. Regional Administrators shall have the following responsibilities to: (1) Approve by signature negative declarations prepared by the Regional Commissioners, PBS; and

(2) Transmit draft and final EIS's to the Council on Environmental Quality (CEQ), heads of Federal agencies, Governors, Senators, and Congressmen by signing appropriate transmittal letters.

c. Regional Commissioners, PBS, shall have the following responsibilities to: (1) Make the threshold decision of need for an EIA/EIS, and prepare and sign negative declarations that require the subsequent approval of the Regional Administrator;

(2) Maintain a continuing review of activities which have potential significant environmental impact as outlined in this attachment to the order;

(3) Establish the appropriate points in time for the reassessment of developing projects for cases not covered in this attachment to the order;

(4) Prepare and process, through PR, draft and final EIS's and subsequently distribute the EIS's to Federal, State, and local officials, and interested individuals other than those to whom the Regional Administrator transmits the impact statement;

(5) Conduct public meetings, issue press announcements and maintain files for public review; and

(6) Prepare and monitor a schedule for environmental planning considerations to preclude delays in completing those actions defined in this attachment;

(7) Review new environmental technology, research and development;

(8) Initiate new environmental programs;
(9) Develop and publish a regional service order that further implements this order; and
(10) Prepare and submit to PR quarterly reports on regional NEPA actions.

d. The Assistant Commissioners for Buildings Management (PB), Construction Management (PC), and Associate Commissioner, Project Management Office (PJ) shall be responsible for maintaining program review of EIS's to ensure program activities are compatible with environmental protection and in compliance with GSA Order ADM 1095.1A. They are also responsible for the following:

(1) Review of new environmental technology, research and development;
(2) Initiation of new environmental programs;
(3) Development and revisions to orders, handbook specifications and directives to the field;
(4) Initiation of EIA's and EIS's;
(5) Maintenance of continuing review of developing projects for environmental impact and establish the appropriate points in time for the reassessments not covered in this attachment to the order; and
(6) Establishment of continual liaison with the Office of Space Planning and Management on environmental protection programs.

2. *Determination of what is a "major Federal action significantly affecting the quality of the human environment".*—This determination is based on the circumstances of the proposed action. The determination shall be made as part of the decisionmaking process.

a. Types of actions which have the potential of being major Federal actions requiring an assessment of their effect on the environment are:

(1) Recommendations or reports concerning legislation, including requests for appropriations, proposed by GSA or members of Congress resulting in physical action involving, but not limited to, proposals for new Federal construction under the Public Buildings Act of 1959, as amended (40 U.S.C. 601, et seq.).
(2) Administrative action involving: (a) Procurement and renewal of space through major lease, lease-construction or construction of buildings for Federal agency use;
(b) Extensions, repair, and alterations to public buildings;
(c) Use of GSA property through lease, permit, or license resulting in a significant change in usage of the property;
(d) Proposed exchanges of real property to acquire sites under the Public Buildings Act of 1959, as amended;
(e) Relocation of employees causing significant change in employee transportation patterns, or the travel time to the new location to exceed 45 minutes, or a 20 percent increase in travel time if it presently exceeds an average of 45 minutes;
(f) All project development reports;
(g) Site Investigation and Selection Reports.
(3) Formulation and issuance of regulations, procedures, and policies which may have environmental consequences.

b. Actions significantly affecting the quality of the human environment are those which:

(1) Impact upon the environment even if, on balance, beneficial effects outweigh the detrimental ones;
(2) Curtail the range of possible beneficial uses of the environment including irreversible and irretrievable commitments of resources;
(3) Serve short-term uses rather than long-term environmental goals;
(4) May be localized in their effect, but nevertheless, have a harmful environmental impact; and
(5) Are attributable to many small actions, possibly taken over a period of time, which collectively can be defined as a major action with a significant impact (either adverse or beneficial).

3. *Changes having an impact on the quality of the human environment.* A significant change is any change which significantly alters, disrupts, destroys, or transforms any aspect of the physical, social or esthetic environment. Such a change may have either an adverse or beneficial impact on the quality of the environment.

4. *Application of standards.* All GSA operated and controlled facilities shall be operated in accordance with established Federal and State standards. Where both substantive Federal and State standards exist, the more stringent of these standards shall apply.

5. *Criteria.* Factors having potential and identified impact which may significantly affect the quality of human environment include but are not limited to the following:

a. The readily recognizable physical factors; (e.g., air and water quality, ambient noise levels, sewage and waste disposal, etc.);
b. Changes in land use or zoning;
c. Socio-economic factors (i.e., proximity to low and moderate income residential housing on a nondiscriminatory basis, necessity for relocation of residential properties, changes in traffic patterns causing changes in mode of transportation, traffic congestion, or increase in distance and commuting costs to the proposed building occupants; known environmentally controversial aspects of the project); and
d. Cultural, architectural, or archeological aspects of a project illustrated by possible infringement on historic properties or disturbances to important archeological artifacts. Environmental impact assessments (EIA) and environmental impact statements (EIS) for projects that may affect historic and cultural properties shall be written to demonstrate agency compliance with section 106 of the National Historic Preservation Act of 1966 and the implementing procedures of the Advisory Council on Historic Preservation (36 CFR part 800). Historic properties are defined as properties listed in the National Register of Historic Places, or determined eligible for listing in the National Register. Contact with the State Historic Preservation Officer (SHPO) shall be documented with a letter from the SHPO and included in the EIA or the appendix of the EIS. For further clarification on historic preservation procedures and how to determine eligibility for listing in the National Register, refer to GSA Order PBS 1022.1.

6. *Categorized major PBS actions.* To clarify threshold decisions and to categorize typical PBS actions requiring environmental analysis, the following categories have been identified:

a. *Category I projects which will almost always require an EIS.* (1) Facility planning program (a series of actions related by type or geographic area) such as the following:
(a) Master plan for federally owned property; and
(b) Leasing actions planned for a given geographical area for a 3- to 5-year period.
(2) Construction projects. (a) Federal construction or lease construction projects requiring a prospectus.
(b) Projects undertaken for another Federal agency where the assessment process identifies significant known or potential environmental impact(s). An example of a proposed project that would always require an EIS is development of a Federal correctional center.
(c) Projects recommended under section 11(b) of the Public Buildings Act of 1959, as amended.
(3) All PBS projects where the assessment process identifies known or potential significant environmental impact.

b. *Category II Projects which normally require an environmental assessment to determine if an EIS is necessary.* (1) Federal construction or lease construction projects that do not require a prospectus, including those undertaken for another Federal agency.
(2) Repair and alteration projects. (a) Those projects which require a prospectus.
(b) Those projects which require a major change in energy requirement or source.
(c) Those projects which affect those characteristics which qualify a property or object as historically or culturally significant.
(d) Acquisition and/or alteration of space for a laboratory which will utilize dangerous or hazardous chemicals, drugs, or radioactive materials.
(3) Major leases for new space in existing buildings where a potential environmental controversy has been identified.
(4) Real property acquisition and lease acquisition expected to result in new construction.
(5) A transfer of employees that would cause a significant change in employee transportation mode, patterns, and/or travel time.
(6) Acquisition, leasing, construction, and alteration projects which are a part of a program, such as a master plan, for which an EIS has previously been filed.

NOTE.—*Emergencies.* Situations that may make it necessary to proceed with an action without full compliance with the provisions of this order: (1) A major action which must be undertaken immediately because of fire, public or safety hazard. The responsible regional official shall notify the Regional Counsel immediately and initiate procedures for consultation with CEQ; and (2) A project in which the Commissioner, PBS (P), after consultation with CEQ, has determined that a public or governmental exigency is present. This would be restricted to projects where a limited environmental impact has been identified, but where action to acquire or renovate property is neither irreversible nor irretrievable.

7. *Consideration of cumulative impacts.* Each proposed project or action shall be reviewed and a determination made as to whether it constitutes a "major Federal action." The responsible regional official should consider that the effect of decisions can be individually limited but cumulatively significant. An environmental impact statement should be prepared if it is reasonable to expect a cumulatively significant impact on the environment from the Federal action, as indicated in the following:

a. Over a period of years, decisions by one or a number of different agencies are made concerning certain types of projects or actions that individually are minor but collectively are major;
b. One decision involving a limited amount of money establishes a precedent for action in much larger cases or represents a decision in principle about a future major course of action; and
c. Several Government agencies individually make decisions about partial aspects of a major action.

8. *Environmental impact assessments (EIA).* a. The environmental impact assessment is one of the most important documents included in the decisionmaking process. The EIA is the basis for judgment by the "responsible official" and can be entered as evidence in hearings and court actions. Therefore, it is of utmost importance that the assessment be a full disclosure document, giving the reader a clear picture of

existing and projected environmental conditions, a complete but concise description of the proposed action, and an in-depth evaluation of possible or probable impacts, both primary and secondary, which may be either beneficial or adverse. The EIA must include a list of Federal, State, and local officials who have been contacted and their comments. The assessment will result in the decision to prepare a negative declaration or a draft environmental impact statement.

b. The decision to prepare an EIA shall be made immediately subsequent to the initial identification of project need during the project planning stage. Its preparation shall be undertaken concurrently with the initial technical and economic studies for each project. In lease actions the assessment shall be completed and a determination for the necessity of an EIS shall be made prior to the issuance of a solicitation for offers.

c. For Federal construction projects involving the selection of a site and for lease actions involving the acquisition of an assignable option on a site and when the site is known, the EIA shall be based on the known site. For those projects in which the site is not known, the EIA shall be based on a delineated area. If the delineated area has been determined by applying the Area Delineation Model as provided in the GSA Handbook PBS P 7000.6, the EIA shall summarize the data and findings resulting from application of the model. If the delineated area has been determined to be in conformance with the Federal Property Management Regulation (FPMR), Subpart 101–18.100g (See also GSA Handbook PBS P 1600.1), the EIA shall summarize the factors considered and the manner in which the delineated area was determined.

d. As the project develops all environmental considerations will be reevaluated continually by the appropriate officials. The EIA shall be updated with a reassessment if there has been no significant change in project scope or environmental impact. If the initial assessment was made on a delineated area and resulted in a negative declaration, a reassessment shall be made when a site is selected. For major repair and alteration projects and new Federal construction, a reassessment shall be made when working drawings and specifications are completed. Other reassessments shall be made as deemed necessary by the responsible officials as defined by par. 1 of this attachment. (See subpar. 9f.)

9. *Negative declaration.* a. A negative declaration is an official administrative decision stating that an analysis of the environmental impact assessment (EIA) has been made and that the proposed action is not considered a major Federal action having a significant impact on the human environment and, therefore, will not require the preparation of an environmental impact statement.

b. When an EIA is completed by the regional staff, it shall be reviewed by the responsible regional official. If the review of the EIA indicates that the proposed project is not a major Federal action significantly affecting the quality of the human environment, then four copies of the EIA and a copy of the negative declaration signed by the Regional Commissioner, PBS, shall be submitted to the Assistant Commissioner for Space Planning and Management (PR). The original EIA and negative declaration shall remain in the regional office.

c. Upon receipt of the EIA, PR will forward copies to the Office of General Counsel (L), the Director of Special Studies and Programs (PW) and other appropriate offices. All comments shall be reviewed, coordinated and consolidated by PR and transmitted to the submitting regional office within a time period not to exceed 10 full workdays from the date of receipt of the EIA by PR. A copy of the consolidated response will be forwarded to the Office of General Counsel (L) and the Director of Special Studies and Programs (PW). If not otherwise directed by PR within the 10-workday period, the responsible regional official may assume that the EIA is adequate and may proceed with obtaining approval of the negative declaration by the Regional Administrator. No action as defined in par. 14 shall be taken prior to the completion of the above process.

d. If during review of the assessment and negative declaration by the Office of Space Planning and Management (PR), it is determined that an environmental impact statement should be filed, the responsible regional official shall be so advised during the 10-workday period.

e. For proposed projects which require prospectus approval by the Public Works Committees of the Congress, two copies of the approved negative declaration with the environmental impact assessments attached shall be forwarded to PR so that the environmental assessment documents may accompany the prospectus to the Public Works Committees of Congress.

f. If an environmental assessment and negative declaration have been prepared on a delineated area, an updated assessment shall be prepared upon site selection. Should the responsible regional official conclude there are no known potential significant environmental impacts following the site selection stage, such official shall prepare and sign a confirmation of the negative declaration. Such confirmation shall have concurrence by the Regional Counsel. The confirmation of the negative declaration need not be forwarded to the Central Office in these cases. However, should the updated assessment identify significant environmental impact on the quality of the human environment, the responsible regional official shall proceed with the preparation of the environmental impact statement and notify the Assistant Commissioner for Space Planning and Management (PR). In such cases, it may be necessary to reissue the solicitation for offers or invitations for bid, or cancel further acquisition actions until the full EIS process is complete.

10. *Draft environmental impact statement.* a. After an environmental impact assessment has been prepared and a determination made that the proposed action is a major Federal action significantly affecting the quality of the human environment, a draft environmental impact statement (EIS) shall be prepared. In cases where the site it not known, the draft EIS shall be based on a delineated area (DA). The DA shall be determined in accordance with the Area Delineation Model as provided for in the GSA Handbook PBS P 7000.6 or as determined in accordance with FPMR 101–18.100g as provided for in GSA Handbook PBS P 1600.1 The EIS shall summarize the data and findings resulting from use of the Area Delineation Model or describe the factors considered and the manner in which the delineated area was determined.

b. At the earliest possible stage of draft EIS perparation, the office preparing the EIS shall consult with Federal, State, and local agencies to obtain information and views about potential impacts of a proposed action. The consultation process shall be accomplished in accordance with OMB Circular A–95, CEO Guidelines, Subpart 101.19.100 of the Federal Property Management Regulations and the following:

(1) Projects resulting in construction shall be reviewed for environmental impact. State clearinghouses shall be consulted at the earliest practicable time in the planning of the project. In the development of a Project Development Report in the region, the Regional Administrator is required to contact the appropriate State, regional and local clearinghouses and other appropriate officials including U.S. Senators and Congressmen in a formal A–95 process.

(2) In addition, a copy of the letter to the state clearinghouse, issued in accordance with the provisions of the A–95 circular shall be forwarded to the Advisory Council on Historic Preservation and the Council on Environmental Quality.

(3) When the A–95 review process of a proposed project or the consultation with the clearinghouses take place prior to the filing of a draft EIS, the comments received represent input to the EIS.

(4) Federal agency comments received prior to filing of a draft EIS shall be attached to copies of the statement being sent to the agency submitting the substantive comment. The statements being sent to the clearinghouses shall include a listing of all agencies from which comments have been received.

c. *Technical content of draft statement.* The EIS includes:

(1) A description of the proposed action including the requisite information and technical data to permit a careful assessment by reviewing agencies of the environmental impact of the proposed action(s). Copies of site plans or topographic maps showing the property and the surrounding area shall be provided;

(2) The probable impact of the proposed action(s) on the environment, including impact on biological systems (e.g., wildlife and vegetation) and on physical systems (e.g., hydrology, air, noise, etc.). Consequences of direct and indirect impacts on the environment shall be included in the analysis. For example, any effect of the action on population distribution or concentration should be estimated and an assessment made of the effect of significant change in population patterns upon the resources of the impacted area (e.g., land use, water supply, public services, and traffic patterns);

(3) Any probable adverse environmental effects that cannot be avoided, such as water, air, or noise pollution, undesirable land use patterns, damage to ecological systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of NEPA. Where such unavoidable effects exist, a discussion of mitigating, neutralizing or eliminating measures should be included for each adverse effect;

(4) A rigorous exploration and objective evaluation of all reasonable alternative actions that might avoid some or all of the adverse environmental effects, including those alternatives outside of GSA's implementing authority. Analysis of alternatives, their costs, and impacts on the environment shall accompany the proposed action(s) through the agency review process to avoid premature foreclosure of options with less detrimental effects than the proposed action. If a cost benefit analysis on the proposed action(s) is prepared, it shall include a discussion of reasonable alternatives. The extent to which environmental costs have not been reflected in such analysis should be included in the EIS. However, information furnished by property owners, appraisers, or public officials regarding site pricing information, estimated site costs, appraisal reports on subsequent site selection or negotiations to acquire sites, shall not be included in draft or final EIS;

(5) The relationship between local short-term uses of man's environment and maintenance and enhancement of long-term productivity and a discussion of the extent to which the proposed action forecloses future

options. This, in essence, requires assessment of the action(s) from the perspective that each generation is trustee of the environment for succeeding generations;

(6) Any irreversible and irretrievable commitments of resources, (i.e., land, labor, materials, natural and cultural resources), which would be involved in the proposed action(s) should it be implemented. Identify from the survey of unavoidable adverse impacts the extent to which the action(s) curtails the range of beneficial uses of the environment;

(7) A description of the extent and nature of the awareness of the action by public officials, public interest groups, neighborhood groups through newspaper articles, radio and television, meetings, public hearings, correspondence, and other forms of contact; and

(8) A list of the agencies, groups, and individuals consulted in accordance with the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098), Executive Order 11512 and Office of Management and Budget Circular A-95.

11. *Submission and distribution of draft environmental impact statements.* Initially, draft EIS's shall be processed as follows:

a. Four copies of the preliminary draft environmental impact statement shall be transmitted to the Assistant Commissioner for Space Planning and Management (PR) for a review period of 15 workdays to begin the date of receipt by PR. Space Planning and Management will forward copies to the Office of General Counsel (L) and the Director of Special Studies and Programs (PW) and other appropriate offices. All comments will be reviewed, coordinated, and consolidated by PR and transmitted to the submitting office within the 15-workday time period. A copy of the consolidated response will be forwarded to the Office of General Counsel (L) and the Director of Special Studies and Programs (PW). Space Planning and Management may require additional information or revisions to the statement prior to its publication. If not otherwise directed by PR within the 15-workday review period, the responsible official may assume that the EIS is adequate and may proceed with publication of the EIS. A statement number shall be assigned to the draft EIS by PR prior to publication.

b. For proposed projects that require a prospectus approved by the Public Works Committees of Congress, the preliminary draft EIS shall be submitted to PR prior to the submission of the prospectus to Congress. Two copies of the statement will accompany the prospectus to Congress stamped "Preliminary Working Draft". Unless otherwise ordered by the Commissioner, PBS, the draft statement shall not be published until after the prospectus has been approved by the Public Works Committees of Congress.

c. The Regional Administrator shall sign the transmittal letters soliciting comments on the draft EIS to CEQ, the heads of Federal agencies, the appropriate U.S. Congressman and Senators, the Governor of the State which is affected by the proposed action and the Public Works Committees of Congress. The statement shall be sent to the Washington, D.C., offices of members of Congress. On the same day, the appropriate Regional or Assistant Commissioner shall sign transmittal letters distributing copies of the statement to appropriate local officials, Federal, State, and local agencies, special interest groups and the public for review and comments. In addition, the comments of appropriate State, regional or metropolitan clearinghouses in accordance with the procedures prescribed by the Office of Management and Budget Circular A-95, Revised, shall be solicited unless the Governor of the State involved has designated some other point for obtaining the review. Six copies of the printed statement shall be sent to PR for Central Office distribution.

d. The Council on Environmental Quality (CEQ), will publish in the FEDERAL REGISTER lists of environmental impact statements received during the preceding week which are available for public comment. The date establishing the 45-day minimum review period and advance availability of a draft EIS will be calculated from the FEDERAL REGISTER publication date of the notice of availability. Draft EIS's shall be made available to the public without charge to the extent practicable or at a fee which is not more than the cost of reproduction. The draft EIS will also be made available for public review in PBS Central Office and Regional Commissioner's office during normal working hours.

e. Regional Commissioners shall maintain a list of groups, known to be interested in PBS activities. In addition, a list shall be maintained of individuals and groups requesting an opportunity to comment on a project or action. A copy of the draft EIS shall be distributed to the individual or groups expressing an interest in the project or action covered by the statement.

f. Notice of availability of the draft EIS shall be published in one or more local newspapers.

g. Federal agencies which have jurisdiction by law or special expertise with respect to any environmental impact involved or which are authorized to develop and enforce environmental standards shall be asked to comment on draft EIS's. These agencies are listed in appendix II of the CEQ Guidelines. Appendix III of the Guidelines lists offices within Federal and Federal-State agencies that have information regarding the agencies' NEPA activities and receive environmental impact statements on which comments are requested. Draft EIS's shall be submitted for comment to the regional contact points of agencies being consulted when such offices have been established pursuant to section 1500.9(a) of the Guidelines.

h. In implementing the provisions of section 309 of the Clean Air Act, as amended, the responsible official shall submit to the appropriate regional office of EPA for review and comment seven copies of all draft EIS's.

12. *Preparation of final environmental impact statements.* The final EIS shall not be prepared until after the site investigation report has been completed. The final EIS must reflect all the site data and substantive comments submitted by other Federal agencies, State and local officials, individuals and groups. Changes and additions to the text of the draft EIS shall be marked by a vertical line in the margin, unless the final EIS differs substantially from the draft EIS. Where opposing professional views and responsible opinions have been overlooked in the draft EIS and are then brought to agency attention the action should be reviewed and a meaningful reference made in the final EIS to opposing views as well as GSA's position on the issues raised. All substantive comments received on the draft EIS (or summaries thereof when comments have been exceptionally voluminous) shall be attached to the final EIS whether or not the comment is considered to merit individual discussion in the text of the statement. Where appropriate, substantive comments on the draft EIS should be correlated to the text of the final EIS by placing a page or section number in the margin of the comment designating where the proper response may be located.

13. *Submission and distribution of final environmental impact statements.* a. The preliminary final EIS shall be submitted to PR for review and comment. The final EIS shall be reviewed in the same manner as the draft EIS (see subpar. 11a).

b. Copies of the final EIS, with comments attached, shall be sent to all Federal, State, and local agencies and private organizations, clearinghouses, and individuals that made substantive comments on the draft statement and to individuals who requested a copy of the final EIS. Copies of the final EIS shall in all cases be sent to the Environmental Protection Agency to assist it in carrying out its responsibilities under section 309 of the Clean Air Act. Where the number of comments on a draft EIS is such that distribution of the final EIS to all commenting entities appears impracticable, the Assistant Commissioner for Space Planning and Management (PR) will notify the Office of General Counsel (L) and the Director of Special Studies and Programs (PW) and request that CEQ be consulted concerning alternative arrangements for distribution of the statement. Six copies of the printed final EIS shall be sent to PR for Central Office distribution.

14. *Time requirements for review of draft and final environmental impact statements.* a. No administrative action shall be taken sooner than ninety (90) calendar days following publication of notice of availability of the draft EIS in the FEDERAL REGISTER and the date copies have been made available to CEQ, public agencies and interested parties. Further, no administrative action shall be taken sooner than 30 calendar days after the publication of notice of availability of the final EIS in the FEDERAL REGISTER and the date copies of the final EIS have been made available to CEQ, commenting agencies, and the public. The term "action", as used in this subparagraph, shall mean issuance of a notice to proceed pursuant to a construction or demolition contract, acceptance of offers to sell, vesting of title, issuance of notice to relocate within 90 days in accordance with section 301(5) and the terms of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (84 Stat. 1894), and other such activities. Certain procedures are to be excluded from this prohibition (i.e., continuance of design, contracts for appraisal reports, title evidence and surveys, and negotiations for site acquisition). The determination of whether or not another action is an "action" as used in this subparagraph shall be made by the Commissioner of PBS after seeking advice of the Office of General Counsel.

b. A minimum of 45 calendar days shall be provided for comment on the draft EIS Commenting periods may be extended an additional 15 days at the discretion of the responsible official. Comments not received within allotted commenting period will not receive response in the text of the final EIS.

c. If the final EIS is filed at least 60 calendar days after the notice of availability of the draft EIS is published by CEQ in the FEDERAL REGISTER the 30- and 90-day periods may run concurrently to the extent that they overlap.

d. When emergency circumstances make it necessary to take a major Federal action which may have a significant environmental impact on the human environment without strictly observing the provisions of the CEQ Guidelines and this order concerning minimum periods for agency review, the Assistant Commissioner for Space Planning and Management (PR) shall advise the Director of Special Studies and Programs (PW) of the nature of the action and obtain the concurrence of PW on a request for an exception to standard procedures. Upon approval of the request by the Commissioner, PBS (P), PW will consult with CEQ concerning alternative

arrangements. Similarly, where there are overriding considerations of expense to the Government or impaired program effectiveness, PW will consult with CEQ concerning appropriate modifications of the minimum periods when such action is considered appropriate.

15. *Amendment of draft or final environmental impact statement.* Responsible regional PBS officials shall keep abreast of any substantial changes in the proposed action that may develop or significant new information that becomes available concerning its environmental aspects. These circumstances shall be evaluated to determine whether the draft or final EIS should be supplemented or amended. Supplements or amendments to the statement shall be issued, as appropriate. Notice of the development will be given to the Director of Special Studies and Programs (PW) by the Assistant Commissioner for Space Planning and Management (PR). The Director of Special Studies and Programs (PW), shall consult with CEQ regarding possible recirculation of the statement for the appropriate period.

16. *Responsibility for draft and final environmental impact statement preparation in multi-agency actions.* a. Except as provided in subpar. b below, when GSA and one or more agencies directly sponsor an action, or are directly involved in a group of actions directly related to each other because of functional interdependence and geographical proximity, a "lead agency" shall be designated to assume supervisory responsibility for preparation of the EIS. Relevant factors in the determination of the appropriate "lead agency" include the time sequence in which the agencies become involved, the magnitude of agency involvement, and agency expertise with respect to the environmental effects of the actions. Where there is a question regarding the primary responsibility for statement preparation, the matter will be referred to the Director of Special Studies and Programs (PW), for consultation with CEQ for resolution. However, it is possible for a statement to be submitted jointly by all agencies concerned with the comments being returned to a single designated agency official. If GSA is the "lead agency" and one or more agencies have partial responsibility for the action, the other agencies shall be requested to provide to the appropriate responsible PBS official such information as may be necessary to prepare a suitable and complete environmental impact statement. If another agency is designated to be the "lead agency", the criteria for statement preparation for that agency shall apply.

b. The General Services Administration (GSA) will serve as the lead agency in all projects involving construction of buildings by the Public Buildings Service.

17. *Public hearings.* a. Prior to the distribution of a draft EIS for a project, a determination shall be made by the responsible official regarding whether a public hearing should be held. This determination shall be documented and attached to the draft EIS. The following factors shall be considered in determining whether a public hearing is appropriate:

(1) The magnitude of the proposal in terms of economic costs, geographic area involved, and the uniqueness or size of commitment of resources involved;

(2) The degree of interest in the proposal as indicated by requests from the public and Federal, State and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under NEPA; and

(4) The extent to which public involvement already has been achieved with respect to environmental concerns through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on proposed action.

b. The draft EIS shall be made available to the public at least 15 calendar days prior to the hearing.

c. The notice of public hearing shall be issued no later than 5 workdays after distribution of the draft EIS and shall be published in a local newspaper of general circulation at least 15 calendar days prior to the date of the hearing. The notice shall contain but is not necessarily limited to the following:

(1) The date, time, place and purpose of the hearing;

(2) A description of program, the proposed project and project area;

(3) A declaration that any person or organization desiring to comment on the draft EIS will be given an opportunity to be heard;

(4) The location and times where the draft EIS will be available for review by the public; and

(5) The Federal agency or agencies sponsoring the project.

d. Verbatim transcript of the hearing shall be kept.

e. Where necessary a reasonable time limit may be established for each speaker.

f. A public hearing shall be held after publication of the draft for all Bureau of Prisons projects.

g. A public informational meeting can be held at anytime that such a meeting is deemed necessary.

18. *Early notice system.* a. It is necessary to provide timely public notice and understanding of PBS projects and actions that may have an environmental impact and to obtain the views of interested parties. Therefore, Regional Commisioners (PBS), shall establish an early notice system for informing the public of the decision to prepare a draft EIS on proposed master plan, new construction, leasing and repair and alteration projects. A list shall be maintained of all projects or actions for which environmental impact statements will be prepared, and shall be updated weekly and available for public inspection. Regional Commissioners (PBS), shall submit early warning lists to the Assistant Commissioner for Space Planning and Management (PR) for compilation and forwarding to the Director of Special Studies and Programs (PW) as a basis for agency-wide quarterly reporting to CEQ for publication in the FEDERAL REGISTER. Regional lists are to be submitted to PR normally by c.o.b. March 5, June 5, September 5, and December 5 of each year.

b. If it is decided that an EIS is not necessary for a proposed action (1) which normally would require an EIS as identified in subpar. 6a this attachment, (2) which is similar to actions for which a significant number of statements have been prepared, (3) which has previously been announced as the subject of a statement, or (4) for which a negative declaration has been made in response to a request from CEQ pursuant to section 1500.11(f) of the Guidelines, the Regional Commissioner shall prepare a publicly available record briefly setting forth the decision and reasons for the declaration. The list of such negative declarations and any evaluations made to support the declaration or which conclude that preparation of a statement is not yet timely shall be made available to the public on request in the same manner as provided for lists of statements under preparation. (See subpar. 17a above.)

19. *Format requirements.* a. Type draft and final environmental impact statements on white paper with clear black type;

b. The statement number will be assigned in Central Office by the Assistant Commissioner for Space Planning and Management (PR), in accordance with PBS Information System procedures;

c. Prepare a summary sheet in accordance with the format prescribed in appendix I of the CEQ Guidelines and attach to the environmental impact statement at the second page; and

d. Prepare a cover sheet for each environmental statement.

NOTE.—Detailed information on preparing an EIA and EIS and a sample format are found in the draft Environmental Impact Statement Handbook submitted to all responsible officials on April 18, 1975.

[FR Doc.77-27888 Filed 9-22-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GASTROINTESTINAL DRUGS ADVISORY COMMITTEE

Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The meeting of the Gastrointestinal Drugs Advisory Committee scheduled for October 3 and 4, 1977, has been canceled.

FOR FURTHER INFORMATION CONTACT:

Joan C. Standaert, Bureau of Drugs (HFD-110), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-4730).

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of September 13, 1977 (42 FR 45956), meetings of FDA public advisory committees and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Gastrointestinal Drugs Advisory Committee scheduled for October 3 and 4, 1977, is canceled.

Dated: September 16, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-27501 Filed 9-22-77;8:45 am]

[Docket No. 76N-0349; DESI 6686]

DIMENHYDRINATE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

Correction

In FR Doc. 77-21700 appearing at page 38645 in the issue for Friday, July 29, 1977, the following correction should be made.

The due date for supplements to approved NDA's, now reading, "September 29, 1977", should read, "September 27, 1977".

[Docket No. 76N-0416; DESI 366]

EPINEPHRINE AQUEOUS SUSPENSION FOR INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

Correction

In FR Doc. 77-21956 appearing at page 38647 in the issue for Friday, July 29, 1977, the following correction should be made.

On page 38648, the date on line 5 of paragraph 3., now reading, "September 22," should read, "September 27, 1977".

[Docket No. 76N-0361; DESI 6146]

ANTIHISTAMINES FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing; Correction

Correction

In FR Doc. 77-21701 appearing on page 38643 in the issue for Friday, July 29, 1977, the following correction should be made.

Under the effective date, the following line should be added, "or at the next printing of the labeling, whichever is first".

[Docket No. 77F-0265]

MORTON CHEMICAL CO.

Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Morton Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of xanthan gum in aqueous dispersions of ethylene-vinyl acetate copolymers used in the production of food-packaging materials.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-472-5690).

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3324) has been filed by Morton Chemical Co., 110 North Wacker Drive, Chicago, Ill. 60606, proposing that § 177.-1350 Ethylene-vinyl acetate copolymers (21 CFR 177.1350) be amended to provide for the safe use of xanthan gum in aqueous dispersions of ethylene-vinyl acetate copolymers for use in the production of food-packaging materials.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 16, 1977.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.77-27754 Filed 9-22-77;8:45 am]

Health Care Financing Administration

AMPICILLIN AND PENICILLIN V POTASSIUM

Final Maximum Allowable Cost Determinations

Notice is hereby given, under the authority of 45 CFR Part 19, that the Pharmaceutical Reimbursement Board of the Department of Health, Education, and Welfare, has determined Maximum Allowable Costs (MACs) for ampicillin oral suspensions in strengths of 125 mg/5 ml and 250 mg/5 ml. Maximum Allowable Costs have also been determined for penicillin V potassium (penicillin VK) tablets in strengths of 250 mg and 500 mg as well as for penicillin V potassium oral suspensions in strengths of 125 mg/5 ml and 250 mg/5 ml. The MAC limits and the Board's reasons for its determinations are described in this notice.

In establishing these MAC limits, the Board has followed the requirements outlined in the Department's regulations concerning Limitations on Payments or Reimbursement for Drugs (45 CFR Part 19). In accordance with the regulations, the Pharmaceutical Reimbursement Board sought the advice of the Pharmaceutical Reimbursement Advisory Committee on March 16, 1977 which met to consider the proposed MACs on April 27-28, 1977. The Board published a notice in the July 7, 1977, FEDERAL REGISTER (42 FR 34933-4), which contained the advice of the Pharmaceutical Reimbursement Advisory Committee with regard to the proposed MACs and the Board's response to it. This notice also invited submission of public comments on the proposed MACs within 30 days. The proposed MACs as announced in the FEDERAL REGISTER of July 7 1977, were as follows:

1. Penicillin VK tablets 250 mg, $0.0535 per tablet.
2. Penicillin VK tablets 500 mg, $0.1025 per tablet.
3. Penicillin VK oral suspension, 125/mg 5 ml, $0.0120 per ml.
4. Penicillin VK oral suspension, 250 mg/5 ml, $0.0160 per ml.
5. Ampicillin oral suspension, 125 mg/5 ml, $0.0145 per ml.
6. Ampicillin oral suspension, 250 mg/5 ml, $0.0205 per ml.

The FEDERAL REGISTER notice published July 7, 1977, also announced that a public hearing would be held before the Board on "whether a different, or any, MAC should be established" for the proposed MACs. The hearing was held on August 26, 1977, at 10 a.m., in Room 1331 of the Switzer Building, 330 C Street SW., Washington, D.C. 20201. Representatives of the Drug Wholesalers Association and of the National Wholesale Druggist's Association gave testimony at this hearing.

In arriving at the final Maximum Allowable Cost determinations set out below the Pharmaceutical Reimbursement Board considered the entire record including the economic and quality data developed with regard to the proposed MACs, the advice of the Pharmaceutical Reimbursement Advisory Committee, the public comments received with regard to the proposed ampicillin and penicillin VK MACs and the testimony presented at the August 26, 1977 hearing. The comments received and testimony presented and the Board's responses to them are summarized below.

A total of ten comments were received, primarily from pharmacists, concerning the proposed MACs on ampicillin and penicillin VK. Some pharmacists indicated that they are now buying the specified dosage forms of ampicillin and penicillin VK at prices at or below the proposed MAC limits. Some indicated that they are not now buying brands of some or all of the specified dosage forms at prices below the proposed MAC limits. No evidence was presented in the public comments received that the drugs are not readily available to pharmacists in adequate quantity at prices at or below the proposed MAC limits. Similarly, while there were some generalized concerns expressed that quality will be sacrificed for the sake of cost, there were no comments received raising quality issues relating specifically to the dosage forms of ampicillin and penicillin VK.

SUMMARY OF PUBLIC HEARINGS

At the public hearing held on August 26, 1977, concerning the appropriateness of the proposed MACs, testimony was presented by two wholesaler associations. One argued that setting a MAC at a level where the product could be obtained only from direct selling manufacturers would be inappropriate because the product could not be considered widely and consistently available. The other expressed the view that it could not have any impact on the decisions of the Board and that the Board ignores the advice of the Pharmaceutical Reimbursement Advisory Committee.

Neither witness at the public hearing presented any evidence indicating that the proposed MACs do not meet existing criteria for establishing MAC limits. In the Board's view, it was particularly significant that no factual evidence was presented that the specified ampicillin and penicillin VK dosage forms are not widely and consistently available at or below the proposed MAC levels. In fact,

one wholesaler testified that the products in question were available in his inventory at prices below the proposed MAC limits.

Finally, the Board believes that, contrary to the assertions made at these hearings, it has been responsive to the advice of the PRAC and to testimony presented at the public hearings and that the history of its decisions bears this out. To date the Board has: (1) Rejected the advice of the PRAC with regard to the four dosage forms of penicillin VK currently under consideration; (2) modified its original proposal concerning the oral suspension forms of ampicillin currently under consideration to take into account concerns of the PRAC; and (3) accepted the advice of the PRAC with regard to the MAC limit on ampicillin, 500 mg capsules.

ORDER

After consideration of all the evidence put before it, the Pharmaceutical Reimbursement Board has determined that the proposed MACs on ampicillin and penicillin VK are appropriate. The Board therefore established the following MACs:

1. Penicillin VK, tablets 250 mg, $0.0535 per tablet.
2. Penicillin VK, tablets 500 mg, $0.1025 per tablet.
3. Penicillin VK oral suspension, 125 mg/5 ml, $0.0120 per ml.
4. Penicillin VK oral suspension, 250 mg/5 ml, $0.0160 per ml.
5. Ampicillin oral suspension, 125 mg/5 ml, $0.0145 per ml.
6. Ampicillin oral suspension, 250 mg/5 ml, $0.0205 per ml.

The effective date of these MACs is October 25, 1977.

Dated: September 19, 1977.

M. KEITH WEIKEL,
Acting Chairman, Pharmaceutical Reimbursement Board.

[FR Doc.77-27789 Filed 9-22-77;8:45 am]

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of November 1977:

Name: Nursing Research and Education Advisory Committee.
Date and Time: November 8-11, 1977, 8:30 a.m.
Place: Center Building, TR1-23, 3700 East-West Highway, Hyattsville, Md. 20782.
Open November 8, from 8:30 a.m. to 9 a.m. Closed for remainder of meeting.
Purpose: Advises on all matters relating to Nursing Research and Research Training, including the scientific, technical, or educational merit of proposals and qualifications and experience of applicants.
Agenda: Agenda items will cover administrative and staff reports, and the initial, scientific review of applications for research grants requesting support for basic and clinical research, for increasing institutional nursing research capabilities, and for addressing significant questions in all areas of nursing. This will be followed by a review of research fellowship applications for Nursing Research Service Awards, submitted for predoctoral and postdoctoral research training in nursing and related biomedical and behavioral fields.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Ms. Dolores Basco, Bureau of Health Manpower, Room 350, Center Building, 3700 East-West Highway, Hyattsville, Md. 20792, Telephone (301) 436-6208.

Agenda items are subject to change as priorities dictate.

Dated: September 12, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.77-27538 Filed 9-22-77;8:45 am]

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE, TASK FORCE ON COST-SHARING

Cancelled Meeting

In FEDERAL REGISTER Document 77-26382 appeared at page 45376 in the issue of Friday, September 9, 1977, the September 26-27, 1977, meeting of the "Task Force on Cost-Sharing of the Cooperative Health Statistics Advisory Committee has been cancelled. The meeting will be rescheduled at a later date, and announcement made in the FEDERAL REGISTER accordingly.

Dated: September 21, 1977.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.27988 Filed 9-22-77;8:45 am]

Health Services Administration

MATERNAL AND CHILD HEALTH RESEARCH GRANTS REVIEW COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of October 1977:

Name: Maternal and Child Health Research Grants Review Committee.
Date and Time: October 26-28, 1977, 9 a.m.
Place: Conference Room B, Parklawn Building, 5600 Fishers, Lane, Rockville, Md. 20857.
Open Otcober 26, 9 a.m. to 10 a.m. Closed for remainder of meeting.
Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.
Agenda: The Committee will be performing the review of grant applications for Federal assistance. This meeting will be open to the public from 9 to 10 a.m., October 26 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications, in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Administrator, Health Services Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of the members, minutes of meeting, or other relevant information should contact Gerald D. LaVeck, M.D., Bureau of Community Health Services, Room 7-36, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, Telephone (301) 443-2190.

Agenda items are subject to change as priorities dictate.

Dated: September 15, 1977.

WILLIAM H. ASPDEN, JR.,
Associate Administrator for Management.

[FR Doc.77-27539 Filed 9-22-77;8:45 am]

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting dates of the Dental Caries Program Advisory Committee, September 29-30, 1977, which was published in the FEDERAL REGISTER on August 9, 1977 (42 FR 40253).

This meeting will be held for one day only, September 29, 1977 in Conference Room 7, Building 31C, National Institutes of Health, Bethesda, Md. The entire meeting will be open to the public from 9:00 a.m. to adjournment, subject to available space.

Dated: September 14, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer.

[FR Doc.77-27543 Filed 9-22-77;8:45 am]

REPORTS ON BIOASSAYS OF CHLORDANE AND HEPTACHLOR FOR POSSIBLE CARCINOGENICITY

Availability

Chlordane and heptachlor have been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. Reports on the tests of each compound are available to the public.

Summary of Chlordane Test. A bioassay of analytical-grade chlordane for possible carcinogenicity was conducted by administering the test material in feed to Osborne-Mendel rats and B6C3F1 mice. Groups of 50 rats of each sex were administered low or high concentrations of the chlordane for 80 weeks, then observed for 29 weeks. Because of toxic effects, doses were reduced for both male and female rats during the course of the tests. Time-weighted average doses used for the male rats were 203.5 and 407.0 ppm; for the females, 120.8 and 241.5 ppm. Matched controls consisted of groups of 10 untreated rats of each sex; pooled controls consisted of the matched control groups combined with 50 un-

treated male and 50 untreated female rats from similar bioassays of five other compounds. All surviving rats were killed at 109 weeks.

Groups of 50 mice of each sex were administered the test material at low or high concentrations for 80 weeks, then observed for 10 weeks. The low- and high-dose groups were tested at different calendar times, but each of the treated groups was tested along with a concurrent control. Because of toxic effects, doses were reduced for female mice during the course of the tests; however, it was possible to increase the doses for the male mice. The time-weighted average doses used for the male mice were 29.9 and 56.2 ppm; for the females, 30.1 and 63.8 ppm. Matched controls consisted of groups of 10 untreated mice of each sex; pooled controls consisted of the matched-control groups combined with 70 untreated male and 80 untreated female mice from similar bioassays of five other compounds. All surviving mice were killed at 90–91 weeks.

The effects of chlordane on body weights and other clinical signs in rats and mice indicated that the dosages used were near the maximum permissible. This was evident in that the average body weights of the high-dose male and female rats were consistently lower than those of the untreated controls, while differences between the low-dose and control rats were negligible. Body weights of mice given either low or high doses showed little or no effect of the chlordane; however, other adverse clinical signs were seen with greater frequency in treated than in control mice.

The effects of chlordane on survival rates indicated that mortality was dose-related for female rats and for male mice. However, a substantial proportion of most groups of animals survived to an age at which tumors could be expected to appear; male control rates, for unknown reasons, showed an abnormally low survival rate.

Hepatocellular carcinoma showed a highly significant dose-related trend for mice, using either matched controls (for males, controls 2/18, low dose 16/48, high dose 43/49, $P<0.0001$; for females, controls 0/19, low dose 3/47, high dose 39/49, $P<0.0001$) or pooled controls (for males, controls 17/92, $P<0.0001$; for females, control 3/78, $P<0.0001$). These high levels of significance were maintained when hepatocellular carcinoma was combined with nodular hyperplasia or when the data were subjected to life-table adjustment. No other tumors were found in mice in sufficient numbers to justify analysis.

In contrast to findings with mice, hepatocellular carcinoma failed to appear at a significant rate of incidence in rats administered chlordane. Further, the number of lesions of the liver in rats did not become significant with the addition of nodular neoplasia or with the application of life-table adjustment to the data.

There was significant statistical evidence for the induction in treated male rats of proliferative lesions of follicular cells of the thyroid and of malignant fibrous histiocytoma, but these findings were discounted because the rates of incidence were comparatively low and/or are known to be variable in control rat populations.

It is concluded that under the conditions of this bioassay chlordane is carcinogenic for the liver in mice.

Summary of Heptachlor Test. A bioassay of technical-grade heptachlor for possible carcinogenicity was conducted by administering the test material in feed to Osborne-Mendel rats and B6C3F1 mice. Groups of 50 rats of each sex were administered low or high concentrations of the heptachlor for 80 weeks, then observed for 30 weeks. Doses for females were first increased, but because of toxic effects the doses were then reduced twice for both male and female rats during the remaining course of the tests. Time-weighted average doses used for the male rats were 38.9 and 77.9 ppm; for the females, 25.7 and 51.3 ppm. Matched controls consisted of groups of 10 untreated rats of each sex; pooled controls consisted of the matched-control groups combined with 50 untreated male and 50 untreated female rats from similar bioassays of five other compounds. All surviving rats were killed at 110–111 weeks.

Groups of 50 mice of each sex were administered the test material at low or high concentrations for 80 weeks, then observed for 10 weeks. The low- and high-dose groups were tested at different calendar times, but a concurrent control group was started with each. Because of toxic effects, doses were reduced once for the males at 17–18 weeks after the initiation of tests; twice for the females, at 17 and 30 weeks after the initiation of tests. The time-weighted average doses used for the male mice were 6.1 and 13.8 ppm; for the females, 9 and 18 ppm. Matched controls consisted of groups of 10 untreated mice of each sex; pooled controls consisted of the matched-control groups combined with 90 untreated male and 70 untreated female mice from similar bioassays of five other compounds. All surviving mice were killed at 90–91 weeks.

The effects of heptachlor on body weights and other clinical signs in rats and mice indicated that the dosages used were near the maximum permissible. This was evident in that average body weights of rats treated with high doses were consistently lower than those of untreated controls, while body weights of low-dose rats were unaffected. Body weights of mice given either high or low doses showed little or no differences from those of control mice; however, other adverse clinical signs were found in high-dose mice, predominantly in the females.

The effects of heptachlor on survival rates indicated that mortality was dose-related for both female rats and female mice, but not for males of either species. However, a substantial proportion of all groups of animals survived to an age at which tumors could be expected to appear.

In mice, hepatocellular carcinoma showed a highly significant dose-related trend in both males (matched controls $^{5}/_{19}$, low dose $^{11}/_{46}$, high dose $^{34}/_{47}$, $P=0.001$) and females (control $^{2}/_{19}$, low dose $^{3}/_{47}$, high dose $^{30}/_{42}$, $P<0.0001$). When pooled controls were used for the comparison, the significance of the trend in males increased to $P<0.0001$. Comparably high levels of significance were attained when the data were subjected to life-table adjustment. No other tumors were found in mice in sufficient numbers to justify analysis.

In marked contrast to the findings observed in mice, no hepatic tumors were observed in rats administered heptachlor. There was significant statistical evidence for the induction of proliferative lesions of follicular cells of the thyroid in treated female rats, but this finding was discounted because the rates of incidence were comparatively low and are known to be variable in control rat populations.

It is concluded that under the conditions of this bioassay, heptachlor is carcinogenic for the liver in mice.

Single copies of the 117-page report on chlordane and the 111-page report on heptachlor are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

Dated: September 8, 1977.

DONALD S. FREDRICKSON, M.D.,
Director,
National Institutes of Health.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

[FR Doc.77-27415 Filed 9-22-77;8:45 am]

BLOOD DISEASES AND RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Blood Diseases and Resource Advisory Committee, National Heart, Lung, and Blood Institute, October 17 and 18, 1977, National Institutes of Health, Building 31, Conference Room 8, Bethesda, Md. 20014.

The entire meeting will be open to the public from 9:00 AM–5:00 PM, October 17, and from 8:30 AM–4:30 PM, October 18, 1977, to discuss the status of the Blood Diseases and Resources program, needs, and opportunities. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Md. 20014, phone: 301-496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Building 31, Room 5A04, National Institutes of Health, Bethesda, Md., 20014, phone: 301-496-1817, will furnish substantive program information.

Dated: September 12, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-27544 Filed 9-22-77;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Amended Notice of Meeting

Notice is hereby given of a change in the meeting dates of the Board of Scientific Counselors, National Institute on Aging, which was published in the FEDERAL REGISTER on August 23, 1977 (42 FR 42381).

The Board was to have convened October 20-21, 1977, but the meeting has been postponed to December 12-13, 1977. The time and location remain the same—9:00 a.m. at the Gerontology Research Center, Baltimore, Maryland. The entire meeting will be open to the public on a seat-available basis.

Dated: September 14, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-27545 Filed 9-22-77;8:45 am]

NATIONAL COMMISSION ON DIGESTIVE DISEASES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Commission on Digestive Diseases, November 3, 1977, 10:00 a.m. to 6:00 p.m., at the Turnbull Auditorium, Center for Continuing Education, Medical School, Northwestern University, 303 E. Chicago Avenue, Chicago, Ill. 60611. The entire meeting will be open to the public. Attendance by the public will be limited to space available.

The Commission will hear public testimony at this time. Any member of the public who wishes to appear before the Commission between 10:00 a.m. and 6:00 p.m., November 3, shall file a written statement or detailed summary of his remarks with the Commission before October 21, 1977. Statements or summaries shall be sent to Dr. Thomas P. Vogl, Executive Secretary, National Commission on Digestive Diseases, Room 6C16, the Federal Building, 7550 Wisconsin Avenue, Bethesda, Md. 20014. The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Md. 20014, telephone (301) 496-3583, will provide summaries of the Commission meeting.

(Catalog of Federal Domestic Assistance Program No. 13.484, National Institutes of Health.)

Dated: September 15, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-27546 Filed 9-22-77;8:45 am]

NATIONAL ADVISORY GENERAL MEDICAL SCIENCES COUNCIL

Amended Meeting

Notice is hereby given of a change in the schedule for the open and closed sessions of the meeting of the National Advisory General Medical Sciences Council.

The meeting will be open to the public on October 5 from 9 a.m. to 11 a.m. for general business of the Council. It will be closed from 11 a.m. to 5 p.m. for the review, discussion, and evaluation of grant applications. It will again be open on October 6 from 9 a.m. to adjournment for Council-initiated discussions, and a review of the Research Training Programs.

The other information relating to the meeting as published in the FEDERAL REGISTER (42 FR 42382) Tuesday, August 23, 1977, remains unchanged.

Dated: September 12, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-27547 Filed 9-22-77;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Amended Notice of Meeting

Notice is hereby given of a change in the meeting October 20 and 21, 1977, in Conference Room 1B07, Building 36, Bethesda, MD 20014, of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, which was published in the FEDERAL REGISTER on August 12, 1977 (42 FR 40953).

The time of the open portion of the meeting will be changed as follows:

October 20, 1977—10:30 a.m.-5:00 p.m.
October 21, 1977—9:00 a.m.-12:30 p.m.

The meeting will be closed to the public from 1:00 p.m. until the conclusion of the meeting on October 21st for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personal qualifications and performance, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: September 14, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-27548 Filed 9-22-77;8:45 am]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Availability of Draft Proposed Regulations for Grants for Advanced Nurse Training Programs and Draft Final Regulations for Grants for Nurse Practitioner Training Programs

Pursuant to the Secretary's memorandum on regulatory policies published in the FEDERAL REGISTER of August 17, 1976 (41 FR 34811), notice is hereby given that draft proposed regulations for grants for advanced nurse training programs and draft final regulations for grants for nurse practioner training programs are available to the public.

Section 821 of the Public Health Service Act (42 U.S.C. 296*l*) authorizes the Secretary to make grants to public and nonprofit private collegiate schools of nursing to meet the costs of projects to (1) plan, develop and operate, (2) significantly expand, or (3) maintain existing programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training. The draft proposed regulations contain the policies governing the award of these grants, including eligibility, application, and project requirements and criteria for evaluating applications, which the Department is considering for publication in the FEDERAL REGISTER as a Notice of Proposed Rulemaking.

Section 822 of the Public Health Service Act (42 U.S.C. 296m) authorizes the Secretary to make grants to public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to (1) plan, develop, and operate, (2) significantly expand, or (3) maintain existing programs for the training of nurse practitioners. Proposed regulations governing the award of these grants were published in the FEDERAL REGISTER on January 23, 1976 (41 FR 3552). Along with the proposed regulations the Secretary published (as an appendix to the proposed regulations) the guidelines for nurse practitioner training programs which he prescribed after consultation with appropriate educational organizations and professional nursing and medical organizations as required by section 822 (a) (2) (B) of the Act. Interested persons were given an opportunity to comment on the proposed regulations and the guidelines. The preamble to the draft final regulations summarizes the comments received and the Department's response to these comments. The Department is considering making several changes in finalizing these regulations as a result of the public comments.

To obtain copies of the draft regulations described above write to: Director, Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Room 3-50, Center Build-

ing, 3700 East-West Highway, Hyattsville, Maryland 20782.

Dated: September 8, 1977.

HAROLD MARGULIES, M.D.,
Deputy Administrator,
Health Resources Administration.

[FR Doc.77-27537 Filed 9-22-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 10, 1977.

Dated: August 1, 1977.

CHARLES A. CAMPBELL.

[FR Doc. 77-27766 Filed 9-22-77;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1977.

Dated: August 1, 1977.

R. L. HUFMAN.

[FR Doc.77-27767 Filed 9-22-77;8:45 am]

JACK W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 14, 1977.

Dated: July 29, 1977.

J. W. KEPNER.

[FR Doc.77-27768 Filed 9-22-77;8:45 am]

ROBERT E. KERGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 29, 1977.

Dated: August 24, 1977.

ROBERT E. KERGER.

[FR Doc.77-27769 Filed 9-22-77;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 23, 1977.

Dated: August 18, 1977.

OWEN A. LENTZ.

[FR Doc.77-27770 Filed 9-22-77;8:45 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 13, 1977.

Dated: August 4, 1977.

ROBERT R. MCLAGAN.

[FR Doc.77-27771 Filed 9-22-77;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 14, 1977.

Dated: August 1, 1977.

HARRY H. MOCHON, JR.

[FR Doc.77-27772 Filed 9-22-77;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as August 23, 1977.

Dated: August 9, 1977.

WILLIAM K. PENCE.

[FR Doc.77-27773 Filed 9-22-77;8:45 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) There has been *no change* since the statement filed in February 1977.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 23, 1977.

Dated: August 4, 1977.

LEROY J. SCHULTZ.

[FR Doc.77-27774 Filed 9-22-77;8:45 am]

[Int FES 77-37]

ENVIRONMENTAL IMPACT STATEMENT

Availability of Final Statement, Development of Phosphate Resources in Southeastern Idaho

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement on potential increased phosphate development in southeastern Idaho. Industry-proposed actions include approval of mining plans, approval of prospecting permits, and approval of lease applications.

Comments received on the draft environmental statement during the comment period were considered in the preparation of the final environmental

statement and are reproduced in its appendix.

The final environmental statement is available for public review in the following U.S. Geological Survey Public Inquiries Offices:

Public Inquiries Offices, U.S. Geological Survey, 504 Custom House, 555 Battery Street, San Francisco, California 94111.
Public Inquiries Office, U.S. Geological Survey, 8102 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.
Public Inquiries Office, U.S. Geological Survey, 678 U.S. Court House, West 920 Riverside Avenue, Spokane, Washington 99201.
Public Inquiries Office, U.S. Geological Survey Room, 1C402, National Center (302), Reston, Virginia 22092.

It is also available at the following U.S.G.S. Libraries: 12201 Sunrise Valley Drive, Reston, Virginia 22092; 345 Middlefield Road, Menlo Park, California 94025; and Federal Center, Denver, Colorado 80225.

In addition the statement will be available at the following library locations:

Pocatello Public Library, 812 East Clark Street, Pocatello, Idaho 83201.
Portneuf District Library, 5210 Stuart, Pocatello, Idaho 83201.
Lava Hot Springs Public Library, Lava Hot Springs, Idaho 83246.
Oneida County Free Library, P.O. Box 94, Malad, Idaho 83252.
Preston Public Library, 28 East Oneida, Preston, Idaho 83262.
Shelley Public Library, City Park, Shelley, Idaho 83274.
Snake River Community Library, Route 2, Box 259–A, Blackfoot, Idaho 83221.
Soda Springs Public Library, 149 South Main Street, Soda Springs Idaho 83276.
Aberdeen Public Library, P.O. Box 207, Aberdeen, Idaho 83210.
American Falls Public Library, 308 Roosevelt Avenue, American Falls, Idaho 83211.
Bear Lake County Free Library, North 6th Street, Montpelier, Idaho 83254.
Blackfoot Public Library, P.O. Box 512, Blackfoot, Idaho 83221.
Downey Public Library, Downey, Idaho 83234.
Grace Public Library, Box B, Grace, Idaho 83241.
Fort Hall Library, Shoshone Bannock Tribe, Box 306, Fort Hall, Idaho 83202.
Rockland Library District, Rockland School, Rockland, Idaho 83271.
Boise City Library, 715 South Capitol Blvd., Boise, Idaho 83706.
Idaho State Library, 325 West State, Boise, Idaho 83702.
Idaho Historical Society Library, 325 West State, Boise, Idaho 83702.
Idaho Falls Public Library, 200 N. Eastern Ave., Idaho Falls, Idaho 83401.
Social Science Library, University of Idaho, Moscow, Idaho 83843.

A limited number of copies are available from the U.S. Geological Survey, Land Information and Analysis Office, Environmental Impact Analysis Program, Denver Federal Center, Box 25046, Denver, Colorado 80225; and, over the counter only, from the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, Denver, Colorado.

Dated: September 6, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

[FR Doc.77-27803 Filed 9-22-77;8:45 am]

[Order No. 3009]

ELECTED GOVERNOR AND LIEUTENANT GOVERNOR OF AMERICAN SAMOA

SEC. 1 *Purpose.* The purpose of this order is to provide for an elected Governor and Lieutenant Governor in American Samoa and to create the Government Comptroller for American Samoa in the Office of the Secretary of Interior. The electorate of American Samoa in an official referendum of August 31, 1976, voted by 3044 affirmative votes to 1366 negative votes to elect the Governor and Lieutenant Governor by popular vote. Subsequently, the Legislature of American Samoa on March 28, 1977, in Special Session enacted enabling legislation to provide procedures for an elective local Governor and Lieutenant Governor. Approved by the Governor of American Samoa, as Pub. L. 15–23 on May 16, 1977, this law officially requested the Secretary of Interior to provide through the issuance of a Secretarial Order authority for the popular election of the Governor and Lieutenant Governor.

SEC. 2 *Election of Governor and Lieutenant Governor.* In accordance, therefore, with the expressed wishes of the electorate and the subsequent action of the Legislature of American Samoa, Article IV of the Revised Constitution of American Samoa is hereby revised to provide as follows:

> The Governor and the Lieutenant Governor of American Samoa shall, commencing with the first Tuesday in November 1977, be popularly elected and serve in accordance with the laws of American Samoa.

SEC. 3 *Creation of the Office of Government Comptroller.* There is hereby created in the Office of the Secretary of Interior the Office of Government Comptroller for American Samoa. The Government Comptroller for American Samoa shall report to the Secretary of Interior and have such additional staff as the Secretary deems appropriate for him to discharge his duties, responsibilities and functions.

(a) The principal responsbility of the Government Comptroller for American Samoa shall be to perform specific and comprehensive audits of all activities, entities, and branches of the Government of American Samoa. These audits shall include but not be limited to financial, compliance, management, organization and program reviews. In addition, other types of audits shall be made as appropriate at the request of the Secretary of Interior. All transactions of the Government of American Samoa shall be audited in accordance with the U.S. Comptroller General's "Standards for Audit of Governmental Organizations, Programs, Activities and Functions." The Government Comptroller for American Samoa shall make audit reports which will be addressed to the Governor of American Samoa. A copy of all reports will be sent to the Secretary of Interior, and by him to the appropriate Committees of the U.S. Congress. The Governor of American Samoa shall respond in writing to the findings reported by the Government Comptroller for American Samoa within forty five (45) days from the date of each report and shall indicate what actions will be taken to correct the deficiencies noted and to comply with the recommendations contained therein.

(b) If the Government Comptroller for American Samoa finds that an expenditure is irregular or not pursuant to law, he may take an exception against the certifying officer. The certifying officer will be responsible for clearing the exception by recovering the expenditure or taking appropriate actions. It is required that all certifying officers be bonded and that no bond be released until all exceptions are cleared. Any exceptions deemed necessary by the Government Comptroller to be brought to the attention of the Secretary shall also be brought to the attention of the Chairman of the appropriate Committees of the Congress.

(c) An audit decision by the Government Comptroller for American Samoa may, within six months from the date thereof, be appealed to the Secretary of Interior by the party aggrieved or the head of the department or office concerned. Such appeal must be in writing and shall set forth the particular action of the Government Comptroller for American Samoa to which exception is taken, together with the reasons and authorities relied upon for reversing such decision. The decision of the Secretary of Interior on such appeal shall be final. The decision of the Secretary shall, if possible, be made within ninety (90) days from the date the appeal is received.

(d) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the Government Comptroller for American Samoa shall submit to the Governor of American Samoa, and to the Secretary of Interior an annual report of the fiscal condition of the government showing the receipts and disbursements of the various departments and agencies of the government together with his comments and recommendations. The Secretary shall submit such report, along with the Secretary's comments and recommendations, to the appropriate Committees of the U.S. Congress. Interim audits may be performed quarterly so as to complete the annual audit and report on a timely basis and to provide for the early identification of major problem areas.

(e) The Government Comptroller for American Samoa is authorized to communicate directly with any person or with any department officer or person having official relation with his office, and he may summon witnesses and administer oaths.

(f) All departments, agencies, and establishments shall furnish to the Government Comptroller for American Samoa such information regarding the powers, duties, activities, organizations, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Government Comptroller for American Samoa or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing

such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency or establishment.

(g) In addition to his other duties, the Government Comptroller for American Samoa shall, upon request of the Governor, provide advice and assistance to the Governor, particularly in the area of financial matters of Federal interest.

SEC. 4 *Amendment of Secretary Order No. 2657.* Section 3 of Secretary Order No. 2657, as amended, dealing with executive authority of the Government of American Samoa, is hereby superseded.

SEC. 5 *Ultimate Responsibility of the Secretary.* Until the Congress of the United States provides further for the civil government of American Samoa, the President of the United States, through the Secretary of Interior, has the ultimate responsibility for the administration of the Territory of American Samoa.

SEC. 6 *Effective date.* This Order is effective immediately. Its provisions shall remain in effect until amended, superseded or revoked, whichever occurs first.

Dated: September 13, 1977.

JAMES A. JOSEPH,
Acting Secretary.

[FR Doc.77-27802 Filed 9-22-77;8:45 am]

Bureau of Land Management

[Serial No. AR 04855]

ARIZONA

Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application, Serial No. AR 04855, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 60-999 in the issue for February 2, 1960. The Corps of Engineers, United States Army, has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2091.2-5, such lands, at 10 a.m., on October 26, 1977, will be relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

GILA AND SALT RIVER MERIDIAN, ARIZ.

T. 4 S., R. 4 W.,
Sec. 28, W½SW¼;
Sec. 29, SE¼;
Sec. 31, E½SE¼;
Sec. 32, S½N¼NW¼, S½NW¼, SW¼, E½;
Sec. 33, W½W½.

T. 4 S., R. 6 W.,
Sec. 26, S½S½;
Sec. 27, SE¼NW¼, W½NW¼, S½;
Sec. 28, all.

T. 4 S., R. 6 W.,
Sec. 29, all;
Sec. 30, lots 2, 3, and 5, NE¼SW¼, SE¼NW¼, E½;
Sec. 31, lots 3, 4, E½SW¼, SW¼SE¼, E½SE¼;
Sec. 32, lots 1 through 8, S½;
Sec. 33, SW¼SW¼, S½SE¼;
Sec. 34, lot 6, NW¼SE¼, S½SE¼, SW¼;
Sec. 35, N½NE¼, NE¼NW¼, S½SW¼;
Sec. 36, lot 1, SE¼, N½, NW¼SW¼, E½SW¼.

T. 4 S., R. 7 W.,
Sec. 23, S½SW¼, SW¼SE¼;
Sec. 27, NE¼NE¼;
Sec. 33, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 34, all;
Sec. 35, S½N½, S½;
Sec. 36, all.

T. 4 S., R. 8 W.,
Sec. 14, NW¼, E½SW¼, E½SE¼;
Sec. 15, NE¼, N½S½;
Sec. 16, S½SE¼, NE¼SE¼;
Sec. 21, E½NE¼;
Sec. 23, W½NE¼;
Sec. 26, all;
Sec. 27, N½S½, SW¼, SW¼SE¼;
Sec. 32, S½, S½N½, NE¼NW¼, N½NE¼;
Sec. 33, all;
Sec. 34, NW¼, NW¼NE¼, N½SW¼, SW¼SW¼.

T. 5 S., R. 4 W.,
Sec. 4, lot 4, SW¼NW¼, N½NW¼SW¼, SW¼NW¼SW¼, N½NW¼SW¼SW¼;
Sec. 5, lots 1, 3, 4, SE¼NE¼, SW¼NW¼, NW¼SW¼, SE¼;
Sec. 6, E½NE¼, NE¼SE¼;
Sec. 7, E½SE¼;
Sec. 8, N½, SW¼, W½W½SE¼, N½NE¼NW¼SE¼;
Sec. 17, W½NW¼, NE¼NW¼, W½SE¼NW¼, NE¼SE¼NW¼;
Sec. 18, lots 1, 2, 3, 4 E½W½, NE¼, N½SE¼, N½SW¼SE¼, SW¼SW¼SE¼.

T. 5 S., R. 5 W.,
Sec. 4, lots 3, 4, S½NW¼, SW¼NE¼, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, all;
Sec. 9, all;
Sec. 10, W½NW¼, SE¼NW¼, SW¼, S½SE¼, NE¼SE¼, SE¼NE¼;
Sec. 11, S½, S½N½, NE¼NE¼;
Sec. 12, lots 4, 5, 6, 7, S½;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½;
Sec. 19, lots 1, 2, E½ of lot 3, E½NW¼, E½;
Sec. 20, all;
Sec. 21, all;
Sec. 22, N½, N½S½, S½SE¼, SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, N½SE¼SE¼SW¼, SW¼SE¼SE¼SW¼;
Sec. 23, all;
Sec. 24, W½NW¼, NE¼NW¼, NW¼NE¼, W½NE¼NE¼;
Sec. 27, N½NE¼, NW¼NW¼;
Sec. 28, N½N½;
Sec. 29, N½NE¼.

T. 5 S., R. 6 W.,
Sec. 2, lots 1 through 4, S½N½, S½;
Sec. 3, lots 1 through 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, NW¼SW¼, SE¼SE¼;
Sec. 5, lots 1 through 4, S½N½, S½;
Sec. 6, lots 1 through 7, SE¼NW¼, S½NE¼, E½SW¼, SE¼;
Sec. 7, lots 1 through 4, E½W½, E½;
Sec. 8, all;
Sec. 9, E½NE¼, SW¼NE¼, W½, SE¼;
Secs. 10, 11, 12, 13, 14, 15;
Sec. 16, N½, N½S½, SE¼SE¼;
Sec. 17;
Sec. 18, lots 1, 2, 3, E½NW¼, NE¼SW¼, N½SE¼, NE¼;
Sect. 21, NE¼NE¼;
Sec. 22, N½NW¼, NW¼NE¼;
Sec. 23, NE¼NE¼;
Sec. 24, N½.

T. 5 S., R. 7 W.,
Sec. 1, lots 1 through 4, S½N½, S½;
Sec. 2, lots 1 through 4, S½N½, S½;
Sec. 3, lots 1 through 4, S½N½, S½;
Sec. 4, lots 1, 2, S½NE¼, S½;
Sec. 9, NW¼NW¼, E½W½, E½;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, N½, N½ S½, SW¼SW¼;
Sec. 14, all;
Sec. 15, all;
Sec. 16, E½;
Sec. 21, E½NW¼, NE¼, N½SE¼, SE¼SE¼;
Sec. 22, all;
Sec. 23, W½NW¼;
Sec. 27, NW¼, NW¼NE¼;
Sec. 28, E½NE¼.

T 5 S., R. 8 W.,
Sec. 4, lots 1 through 4;
Sec. 5, lot 1;
Sec. 6, lots 3, 4.

T. 5 S., R. 9 W.,
Sec. 6, SE¼SE¼;
Sec. 7, lots 3, 4, N½NE¼, E½NW¼;
Sec. 12, SW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼, NW¼SE¼.

T. 5 S., R. 10 W.,
Sec. 11, SW¼SW¼;
Sec. 12, SE¼NW¼, S½NE¼, NE¼NE¼;
Sec. 13, W½W½, SE¼NW¼, E½SW¼;
Sec. 14, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 15, NE¼, S½NW¼;
Sec. 16, SE¼, S½SW¼;
Sec. 17, SE¼SE¼;
Sec. 19, lot 4, E½SW¼, SE¼NW¼, S½NE¼, NE¼NE¼, SE¼;
Sec. 20, all;
Sec. 21, N½, NW¼SW¼;
Sec. 23, NE¼NW¼, S½NW¼, N½SW¼, SW¼SW¼, N½NE¼, SW¼NE¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼, NW¼, NW¼SW¼;
Sec. 28, E½SW¼, SW¼SW¼, SE¼;
Sec. 29, N½NE¼, NW¼, SE¼SE¼;
Sec. 30, lots 1, 2, 3, NE¼, E½NW¼, SE¼SW¼;
Sec. 31, lot 4, SE¼SW¼, S½SE¼;
Sec. 32, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 33, W½NW¼, NE¼NE¼.

T. 5 S., R. 11 W.,
Sec. 25, S½N½, N½NE¼, N½S½, SW¼SW¼;
Sec. 26, S½NE¼, SE¼, SE¼SW¼;
Sec. 34, S½, S½NE¼, NE¼NE¼;
Secs. 35 and 36.

T. 6 S., R. 10 W.,
Sec. 6, lots 1, 2, 3, 4, 5.

T. 6., R. 11 W.,
Sec. 1, lots 1 through 4, S½N½, NW¼SE¼, N½SW¼;
Sec. 2, lots 1 through 4, S½N½, S½;
Sec. 3, SW¼, N½SE¼;
Sec. 4, lots 2, 3, 4, SW¼NE¼, S½NW¼;
Sec. 5, lots 1 through 4, N½S½, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 6, SE¼NE¼, SE¼, SE¼SW¼;
Sec. 7, lots 1 through 4, E½W½, E½;
Sec. 8, W½W½, E½SE¼;
Sec. 9, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 16, NW¼NW¼;
Sec. 17, NE¼;
Sec. 18, lots 1 through 4, E½W½, SE¼;
Sec. 19, lot 1, E½NW¼, NE¼.

T. 6 S., R. 12 W.,
Sec. 10, SE¼SE¼;
Sec. 11, S½NE¼, E½SW¼, SW¼SW¼, W½SE¼, NE¼SE¼;
Sec. 12, NE¼NW¼, S½NW¼, SW¼, NE¼, N½SE¼, SW¼SE¼;
Sec. 13, W½, E½SE¼, SW¼SE¼;
Sec. 14, E½NE¼, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 15, NE¼, S½NW¼, E½SW¼, SE¼;
Sec. 16, S½S½, NE¼SE¼;
Sec. 17, SE¼SE¼;
Sec. 19, lot 4, E½SW¼, SE¼, SE¼NE¼;
Sec. 20, NE¼NW¼, S½NW¼, SW¼, NE¼;
Sec. 22, SW¼, SW¼NE¼, E½NW¼, SW¼NW¼;
Sec. 23, SW¼NW¼;
Sec. 24, N½N½;

Sec. 27, NW¼NW¼;
Sec. 28, N½, SW¼, NW¼SE¼;
Sec. 29, SE¼;
Sec. 30, lots 1 and 4, NE¼, E½NW¼, SE¼SW¼, S½SE¼;
Sec. 31, lots 1, 2, E½NW¼, NE¼;
Sec. 32, NW¼, N½NE¼.
T. 6 S., R. 13 W.,
Sec. 23, SE¼SW¼, S½SE¼;
Sec. 24, S½S½;
Sec. 25, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼;
Sec. 26, N½N½, E½SE¼, SE¼SE¼;
Sec. 27, NE¼NE¼, S½NE¼, N½SW¼, SW¼SW¼, W½SE¼, SE¼SE¼;
Sec. 29, S½S½, N½SE¼;
Sec. 31, lots 2, 3, SE¼NW¼, NE¼SW¼, NE¼;
Sec. 32, all;
Sec. 33, NW¼, W½SW¼;
Sec. 34, NE¼;
Sec. 35, W½NW¼, N½SE¼;
Sec. 36, N½.
T. 6 S., R. 14 W.,
Sec. 36, SE¼, E½SW¼.
T. 7 S., R. 13 W.,
Sec. 3, lots 3, 4;
Sec. 4, lots 1 through 4, S½N½;
Sec. 5, lots 1, 2, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.
T. 7 S., R. 14 W.,
Sec. 1, lots 1 through 4, S½N½, SW¼;
Sec. 2, lot 1, S½NE¼, SE¼, E½SW¼, SW¼SW¼;
Sec. 3, SE¼SE¼;
Sec. 10, NE¼, N½SE¼, SW¼SE¼;
Sec. 11, N½, N½S½;
Sec. 12, NW¼.

Dated: September 16, 1977.

MILDRED C. KOZLOW,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-27763 Filed 9-22-77;8:45 am]

[C-24996]

COLORADO

Proposed Withdrawal and Reservation of Lands

SEPTEMBER 15, 1977.

The Bureau of Reclamation, Department of the Interior, on September 1, 1977, filed application, Serial No. Colo. 24996, for the withdrawal of approximately 1,024.51 acres of public lands from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws.

The Bureau of Reclamation desires these lands for construction of the Ridgway Dam and related features.

For the period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given than an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, CO-946 Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, on or before October 26, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The below described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the application shall terminate upon (1) rejection of the application by the Secretary, (2) withdrawal of the lands by the Secretary, or (3) expiration of two years from the date of publication of this notice.

The lands involved in the applications are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 45 N., R. 8 W.,
Sec. 4, Lot 1.
T. 46 N., R. 8 W.,
Sec. 21, SW¼SW¼ and E½SE¼ and SE¼SW¼SE¼, exclusive of Charels Doels Placer, Mineral Survey 4645;
Sec. 22, W½SW¼, exclusive of Charles Doels Placer, Mineral Survey 1959, W½SE¼SE¼;
Sec. 27, W½E½E½, NW¼NW¼, SE¼SW¼, exclusive of Keystone Placer, Mineral Survey 1959, SW¼SE¼;
Sec. 28, NE¼NE¼, W½NW¼, E½SW¼ and W½SE¼;
Sec. 33, NE¼NE¼, exclusive of Keystone Placer, Mineral Survey 1959, NW¼NE¼ and E½NW¼;
Sec. 34, NW¼NE¼, NE¼NW¼ and S½NW¼, exclusive of Mineral Survey 1959, NW¼SW¼.

All communications in connection with this proposed withdrawal, except public hearing requests, should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.

ANDREW W. HEARD, JR.,
Acting Chief, Branch of Adjudication.

[FR Doc.77-27764 Filed 9-22-77;8:45 am]

OUTER CONTINENTAL SHELF, ALASKA

Oil and Gas Lease Sale No. CI, October 27, 1977

Correction

In FR Doc. 77-26944 appearing at page 46614 in the issue of Friday, September 16, 1977, and corrected at page 47595 in the issue of Wednesday, September 21, 1977, the following changes should be made:

1. On page 47595, middle column, in paragraph 2, the entries (1) through (4) should be corrected to read:

(1) NO 5-1 Iliamna
(2) NO 5-2 Seldovia
(3) NO 5-3 Mt. Katmai
(4) NO 5-4 Afognak

2. On page 47595, middle column, the undesignated paragraph between paragraphs 6 and 7 should be corrected to read:

"Bidders are advised that the Department of the Interior intends to require a development phase environmental impact statement for the Cook Inlet lease sale area."

3. On page 46619, middle column, the table contained in paragraph 17(a) should be corrected to read:

OIL AND GAS BID—ROYALTY

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf described below:

Tract No.	Percent royalty bid expressed to maximum of 5 decimals	Amount of fixed cash bonus submitted with bid
	%	

Proportionate interest of company(s) submitting bid

Qualification file No. YK——%

Company

Address

Signature (please type signer's name under signature)

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT
Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Noel Marshall Productions, Noel Marshall, President, 6867 Soledad Canyon Road, Acton, Calif. 93510.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (*Check only one*)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Ship five leopards (endangered species) in interstate commerce in the course of a commercial activity, for breeding in captivity.

3. APPLICANT: (*Name, complete address and phone number of individual, business, agency, or institution for which permit is requested*)
Noel Marshall Productions
(Noel Marshall, president)
6867 Soledad Canyon Rd.
Acton, Calif. 93510
805-268-1610

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Private institution for the breeding of endangered species, and occasional use of animals for movies and commercials.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Noel Marshall 805-268-1610
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Interstate shipment from Colorado Springs, Colorado to Acton, Calif.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(*If yes, list license or permit numbers*)
File # PRT. 2-1228-C07

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(*If yes, list jurisdictions and type of documents*)
Not required

9. CERTIFIED CHECK OR MONEY ORDER (*If applicable*) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
8/21/77

11. DURATION NEEDED
indefinite

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (*See 50 CFR 13.12(b)*) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attachment

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (*IN INK*) Noel Marshall
DATE 8-11-77

3-200
15-741

GPO 833-042

NOEL MARSHALL PRODUCTIONS,
Acton, Calif.

Answers to form questions (50CFR13.12):

1. Noel Marshall, 6867 Soledad Canyon Rd., Acton, Calif. 93510. (805-268-1610).
2. Firm (not an individual).
3. Noel James Marshall, owner and president.
4. Noel Marshall Productions, 6867 Soledad Canyon Rd., Acton, Calif. 93510.
5-7. Not applicable.
8-9. Fixed by permit.

Additional information:

1. Type of animals to be purchased: five leopards (pantherapardus Africa).
2. To be purchased from: Cheyenne Mountain Zoo, Colorado Springs, Colo.
3. Two males born Oct. 1976, two males born Feb. 1977, one female born Sept. 1975.
4. Justification is for breeding purposes to improve the strain. Presently have in excess of 95 exotic cats in the breeding program (all domestically bred—none taken from the wild), but we must increase the number of our cats to improve and enlarge the breeding stock through trade and purchase.
5. We have a 39 acre ranch that houses all of our animals, with both roaming areas and U.S.D.I. inspected and improved housing facilities.
6. To the best of my knowledge, the leopards were born in captivity (those to be purchased).
7. Our veterinarian is Dr. J. J. Bernstein of Inglewood, Calif.
8. I intend to participate in a cooperative breeding program and maintain or contribute to a studbook.
9. Transportation shall be by air in approved crates which the animals will be in for only the short transportation time of approximately 2½ hours.

Please contact me if I may supply any additional information.

Thank You.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1228-C07; please refer to this number when submitting comments. All relevant comments received on or before October 25, 1977.

Dated: September 20, 1977.

FRED L. BALWAHNN,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.27825 Filed 9-22-77;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, Minn. 55124, Donald Bridgwater, General Director.

OMB NO. 42-R1370

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
Captive self-sustaining populations
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To purchase two female Siberian tigers (Panthera tigris altaica) from Gladys Porter Zoo, Brownsville, Texas, which were born there, for propagation and public display.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
MINNESOTA ZOOLOGICAL GARDEN
12101 Johnny Cake Ridge Road
Apple Valley, Minnesota 55124
Telephone (612) 432-9000

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: WEIGHT:
DATE OF BIRTH: COLOR HAIR: COLOR EYES:
PHONE NUMBER WHERE EMPLOYED: SOCIAL SECURITY NUMBER:
OCCUPATION:
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
State owned and operated zoological park, currently under construction, to be opened to the public in the spring of 1978.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. (612) 432-9000
Donald Bridgwater, General Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: The applicant is an agency of the State of Minnesota.

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
MINNESOTA ZOOLOGICAL GARDEN
12101 Johnny Cake Ridge Road
Apple Valley, Minnesota 55124

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
N/A

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ N/A

10. DESIRED EFFECTIVE DATE: August 15,1977

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.32 (threatened)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): D. D. Bridgwater General Director
DATE: 7/26/77

3-200
16-740
GPO 895-042

(1) The common and scientific names of the species sought to be covered by the permit, as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking exporting, selling in interstate commerce, etc.):

Two (2) female Siberian tigers (*Panthera tigris altaica*), one and one-half (1.5) years old, to be purchased from Gladys Porter Zoo, Brownsville, Tex. Both animals were born at the Gladys Porter Zoo.

(2) A complete description, including photographs or diagrams of the area and facilities where such wildlife will be housed and cared for. The Siberian tiger exhibit is a four acre forested enclosure with water pool and rockwork. The perimeter chain-link fence is 16 feet high with a 4-foot inward bevel at the top. Dead log material is provided for scratching and marking. To facilitate breeding, 11 off-exhibit runs with dens are provided. Throughout the zoo there are coaxial cables for use in telemtry systems with television cameras and monitors placed for optimal viewing. The veterinary support physical facilities include four animal quarantine areas, a necropsy room and histology lab, a clinical pathology laboratory, a water quality control laboratory, surgical prep with radiographic room, large surgical facility, and pharmacy. Also, there is a medical supply insulated van with a hydraulic trailer used in transporting a radiographic machine used for large animal species (see attached sheets for diagrams of area).

(3) A brief resume of the technical expertise of the persons who will care for such wildlife, including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife. The administrative, curatorial, and veterinary staff are recognized by their peers as knowledgeable in the captive maintenance and breeding of wild animals in captivity. The staff has a combined total of 35 years experience in captive tiger or related species management.

(4) A statement of the applicant's willingness to participate in a cooperative breeding program, and to maintain or contribute data on a studbook. The Minnesota Zoological Garden provides space, furnishings, expertise, and partial salary support to the International Species Inventory System (ISIS) of the American Association of Zoological Parks and Aquariums (AAZPA). The Minnesota Zoo will be an active participant in all phases of ISIS, including census, inventory, physiological norms, studbook pedigree analysis, and demographic analysis. The Minnesota Zoo will participate in all available studbooks and cooperative breeding programs in regard to those endangered and rare species housed at the Minnesota Zoo.

(5) A detailed description of the type, size, and construction of all containers into such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering and otherwise caring for such wildlife during that period. The container used will meet all IATA standards. The tigers will be flown from Brownsville, Tex., along the fastest and most direct route possible to the Minneapolis/St. Paul International Airport. Provisions will be made to feed and water the animals before crating them and upon arrival at their destination.

(6) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant (or any other wildlife of the same genus or family), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities. N/A The Minnesota Zoological Garden is presently under construction and therefore has held no Siberian tigers.

(7) A full statement of the reasons why the applicant is justified in obtaining the permit, including: (i) The details of the activities sought to be authorized by the permit; (ii) the planned disposition of such wildlife upon termination of the activities sought to be authorized.

(i) The MZG is initiating a long-term commitment to the conservation and breeding of rare and endangered species in captivity which includes the purchase of two female Siberian tigers from Gladys Porter Zoo. The zoo has taken into consideration, through exhibit design, the proper housing, including off-exhibit holding and denning space which will enhance propagation and provide public display.

(ii) If it becomes necessary to terminate our efforts with these species, they would be made available to zoological institutions which would continue this propagation effort.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the

Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1355-07; please refer to this number when submitting comments. All relevant comments received on or before October 25, 1977 will be considered.

Dated: September 20, 1977.

FRED L. BALWAHNN,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-27826 Filed 9-22-77;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 Pub. L. 93-205).

Applicant: New England Regional Primate Research Center, Harvard Medical School, One Pine Hill Drive, Southborough, Massachusetts 01772.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR: ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Authority to transfer 9 adult and 2 juvenile Ateles monkeys from Canal Zone, Panama to Southborough, Massachusetts. These animals are to be used in a scientific reproduction program. These animals are the property of this Center but were housed in Panama for biomedical scientific purposes.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
New England Regional Primate Research Centr
Harvard Medical School
One Pine Hill Drive
Southborough, Massachusetts 01772
617-481-0400 X23

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
New England Regional Primate Research Center is a N.I.H. sponsored Primate Center operated by Harvard Medical School for purposes of scientific biomedical research involving sub-human primates.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 617-481-0400 X23
Edwin D. McMeen, Associate Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
New England Regional Primate Research Center breeding colony facility
Southborough, Massachusetts

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT ☐ YES ☐ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
N.A.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: September 1, 1977
11. DURATION NEEDED: permanent

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(b)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22 (a) (1 thru 8)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL SANCTIONS OF 18 U.S.C. 1001.

SIGNATURE (DO NOT STAMP) Edwin D McMeen
DATE August 19, 1977

ATTACHMENT—PERMIT APPLICATION—NEW ENGLAND REGIONAL PRIMATE RESEARCH CENTER

17.22(a)(1). Identification of the animals to be moved into U.S.A. ***Ateles fusciceps*** **(black spider monkeys) adults 5, sex unknown.** ***Ateles geoffroyi*** **(red spider monkeys) adults 4, progeny, juvenile 2, sex unkown.**

These animals are to be added to the Ateles breeding colony already established at this Center.

The principal use of these animals will be the propagation of endangered specie animal.

17.22(a)(2): The animals for which this permit is requested are currently housed at the Gorgas Memorial Laboratory primate colony facilities in Panama.

5 *Ateles fusciceps* and 4 *Ateles geoffroyi* were removed from the wild in Guatemala, maintained at the field station in Guatemala for several years and transferred to the Gorgas Laboratory in 1974. 2 *Ateles geoffroyi* were born at the Gorgas Memorial Laboratory facility.

17.22(a)(3). As stated above, these animals covered by this permit application were removed from the wild prior to the establishment of endangered specie regulations for the purpose of bio-medical viral research and propagation of this specie. These animals will be added to the Ateles breeding colony at this Center.

17.22(a)(4). 9 of these animals were captured in the Peten area of Guatemala in 1969-70 and were held in our field station compound in Guatemala either in Peten or Guatemala City until 1974.

2 of the *Ateles geoffroyi* were born from the adults maintained at the Gorgas Memorial Laboratory sub-human primate colony.

17.22 (a)(5) and (a)(6) (i) and (ii). Pictures enclosed. See attached description sheet taken from National Institutes of Health publication.

17.22(a)(6)(iii). These animals are being imported for the sole purpose of adding them to our breeding program for this specie which is now active at this Center. Individual records are maintained on each animal and become a permanent record of the animal management program at this Center.

17.22(a)(6)(iv). The crates to house these animals during transportation from Panama to this Center have been fabricated in Panama under the supervision of James S. Harper, a competent and qualified Veterinarian who will insure that the cages meet all sanitary and humane requirements.

The animals will be transported by air from Panama to New York City under the auspices of Mr. Michael Nolan, Primate Imports, Port Washington, Long Island, New York.

The cages used for this transportation will provide a single cage for each animal 30" high, 30" long, 24" wide with a 16" x 16" door. They are fabricated of plywood and wire mesh materials and they do meet I.A.T.A. requirements.

17.22(a)(6)(v). During captivity these animals have been given competent veterinary care and supervision without mortality.

17.22(a)(7). No contract or agreement involved as these animals are already property of this Center. This request for permit is just to transport them from Panama to U.S.A.

17.22(a)(8). This Center presently has 13 Ateles and it is proposed to intergrate the animals covered by this permit into this colony where they will be housed to propagate this specie. These animals will be main-

tained in modern facilities with the constant supervision and management of competent veterinary care.

One of the missions of this Center is the enhancement and reproduction of New World sub-human primates. It follows that these animals will not be disposed of but will be permanently maintained in the breeding colony until natural death.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1358-07; please refer to this number when submitting comments. All relevant comments received on or before October 25, 1977.

Dated: September 20, 1977.

FRED L. BALWAHNN,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-27827 Filed 9-22-77;8:45 a.m.]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Alan Richard Mootnick, P.O. Box 93, 21219 Lassen St., Chatsworth, Calif. 91311.

OMB NO. 42-R1339

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
WANT TO BY 2 PALAWAN PEACOCK PHEASANTS POLYPLECTRON EMPHANUM FROM MARY DAM JR. P.O. BOX 97, HAINES CITY, FLORIDA 33844

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
ALAN RICHARD MOOTNICK
PO BOX 93
21219 LASSEN ST.
CHATSWORTH, CAL. 91311
213-8823736

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.

HEIGHT	WEIGHT
5'7"	145 LBS

DATE OF BIRTH	COLOR HAIR	COLOR EYES
1-23-51	BROWN	BROWN

PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER
213-8823736	546-72-6281

OCCUPATION: HOUSE PAINTER CAR CLEANER

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: NONE

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: D.A.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: N.A.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: N.A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: FLORIDA & CA.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
NESSERY NUMBER TO BE SUPPLIED BY OTHER PARTY

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ US FEE REQUIRED

10. DESIRED EFFECTIVE DATE: AT ONCE

11. DURATION NEEDED: 1702 YRS.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
ATTACHMENT

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Alan Richard Mootnick
DATE: 6-5-77

3-200
10-76

ALAN MOOTNIK,
Chatsworth, Calif.

1. Palawan Peacock Pheasant *Polyplectran Enthanum* 1976 hatch—one male, one female. Behavioral study and breeding purposes.

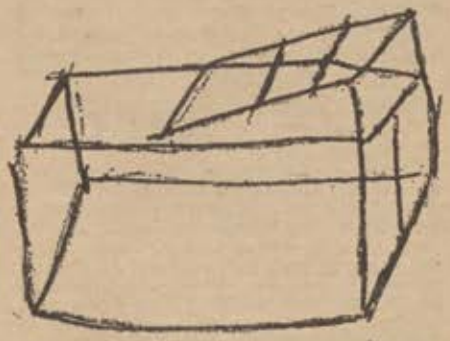
2. III Born in captivity.

3. Birds will be shipped by air from a breed in Florida.

4. Haynes City, Fla.—born in captivity.

5. 21219 Lassen Street, Chatsworth, Calif. 2 acres—size of bird pen 8' x 12' x 6'—landscaped.

6. I. Pens are 8' x 12' x 6' constructed with 1 x 4's, 2 x 4's 1 x 12's and 1" chicken wire with a corrugated steel roof. Pens have dirt floor with rocks, driftwood and bushes on the interior. Water and food are provided in crocks.



II. Applicant has raised exotic birds since 1960. Experience with over 150 kinds of game birds. Have successfully bred Germain and Gray Peacock Pheasants.

III. Applicant is willing to participate in a cooperative breeding program as well as contribute data to a studbook.

IV. Birds will be shipped in cardboard boxes 1½' x 1½' x 8" with 1" air holes every 5". The boxes are lined on the inside with foam rubber. Wood shavings and food and water will be provided.

v. None.

7. I. Breeding.

II. Behavioral studies for maximizing breeding conditions in captivity. Eggs will be picked up one hour after they are laid. They will then be placed in a storage room for 12 hours at 65 degrees F after which they will be placed in a Jamesway 252 Incubator. After 21 days birds will be in individual brooders until size permits them to be placed on the ground.

III. My objective is to further the propagation of an endangered species and to establish a large breeding group.

IV. Excess birds will be sold to zoos and private collectors.

Documents and other information submitted in connetcion with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, perferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1016-07; please refer to this number when submitting comments. All relevant com-

ments received on or before October 25, 1977 will be considered.

Dated: September 20, 1977.

FRED L. BALWAHNN,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-27828 Filed 9-22-77;8:45 am]

THREATENED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under Section 4(d), 16 U.S.C. 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Theophil T. Baginski, 5721 52nd St. E., Puyallup, Washington 98371.

FWS NO. 42-01870

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
50 CFR part 17.33 CSSP unlimited activities permit.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Theophil T. Baginski
5721 52nd St E.
Puyallup, WA 98371

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'6 WEIGHT: 155
DATE OF BIRTH: 4-20-1913 COLOR HAIR: brn COLOR EYES: blu
PHONE NUMBER WHERE EMPLOYED: 845-8029 SOCIAL SECURITY NUMBER: 535-07-1153
OCCUPATION: Retired Farmer
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Commercial Game Farm - Tedmar Game Farm
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Owner - 845-8029
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
No

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
5721 52nd St E.
Puyallup, WA 98371

10 acre Game Farm

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT 2-0452-PT and PRT-2-0149-PT

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of documents)
GF77-113 - State Game Farm Licensee

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 9/1/77

11. DURATION NEEDED: Two Years-renewable

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) [signature] DATE: Aug 5 1977

3-200
10-76

50 CFR Part 17.33(a). (1) Common and scientific names of Endangered Species held by the Tedmar Game Farm (Theophil T. Baginski)

a. Brown-eared Pheasant (Crossoptilon mantchuricum)—1 pair, no progeny.

b. Edward's Pheasant (Lophura edwardsi)—3 male, 1 female, no progeny.

c. Bar-tailed Pheasant (Syrmaticus humiae)—1 male, 1 female, 3 progeny.

d. Mikado Pheasant (Syrmaticus mikado)—none 'want to acquire)

e. Swinhoe's Pheasant (Lophura swinhoii)—3 male, 2 female, 45 progeny.

All birds are held in a controlled environment and acquired prior to the Endangered Species Act of 1973. They do have progeny of these birds. The purpose of the permit application is to sell in interstate commerce progeny and above captive listed birds and to qualify for CSSP unlimited activities permit. The applicant needs to acquire other brood stock of the above species to improve his breeding program.

(2) Description and address: Tedmar Game Farm is a 10 acre bird farm located 3 miles west of Puyallup, WA. Tedmar Game Farm, 5721 52nd St. E., Puyallup, WA 98371. Tel: 206-845-8029.

For raising game birds the applicant has 17 8' x 17' pens; 7 10' x 30' pens; and 6 12' x 24' pens. All pens are enclosed with 6' high chicken wire and are partially covered overhead to allow birds to get out of rain and hot sun. (See attached diagram of pens and facilities.

(3) Justification and Technical expertise: 25 years experience. Have held a commercial game farm license since 1960. Worked for Port Defiance Zoo for 3 years. Have run a successful game farm specializing in exotic pheasants and waterfowl without disease problems.

(4) This applicant would be willing to cooperate in any breeding program and maintain and contribute data on a studbook.

(5) All pheasants sold are shipped in wooden crates approved by Department of Agriculture and airlines.

(6) Only loss sustained was the result of birds dying of old age. No disease in game farm operations.

(7) Continue Game Farm application to buy and sell progeny from CSSP Stock Birds and to obtain birds for improved brood stock.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-1380-25; please refer to this number when submitting comments. All relevant comments received on or before October 25, 1977.

Dated: September 20, 1977.

DONALD G. DONOHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-27829 Filed 9-22-77;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Eugene H. and Marie J. Frahm, Frahm's Folly, Box 259, Solon Springs, Wis. 54873.

OMB NO. 42-R1436

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
[X] IMPORT OR EXPORT LICENSE [ ] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Requesting an Import Permit to Import White-earred and Humes pheasants from Ontario. Also requesting an Endangered Species permit to possess birds being acquired.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Eugene H. and Marie J. Frahm
Frahm's Folly
Box 259
Solon Springs, Wi. 54873
Phone 715 378 2223

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

[X] MR. [ ] MRS. [ ] MISS [ ] MS.	HEIGHT 5'7"	WEIGHT 170
DATE OF BIRTH 3/15/30	COLOR HAIR dk. bl.	COLOR EYES hazel
PHONE NUMBER WHERE EMPLOYED 378 2223	SOCIAL SECURITY NUMBER 387 24 6216	

OCCUPATION
Insurance Agent and Bird Breeder

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
none

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
Frahm's Folly - hobby
Raising and propograting pheasants

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Eugene H. Frahm owner

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Solon Springs, Wi.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [ ] YES [X] NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of document)
State Game Farm license 3273

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/C

10. DESIRED EFFECTIVE DATE 10/1/77

11. DURATION NEEDED 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 23.15 50 CFR 17.32
Endangered Species Permit

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Eugene H. Frahm Marie J. Frahm DATE 9/17/77

3-200
05/74

Additional information as required under 50 CFR 17.22.

(1) White earred pheasants (Crossoptilon crossoptilon

2 birds (both born 1977) 1 male 1 female
1 bird (born 1976) male

Hume's phesanat (syrnaticushimiakhumiai
1 bird (born 1977) female

Desire to import for propogation.

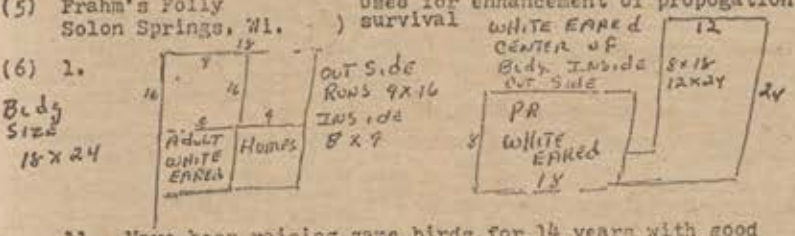
(2) Born in captivity.

(3) Purchase from a propogator in Canada - wildlife born in captivity.

(4) N/A

(5) Prahm's Folly Used for enhancement of propogation and
Solon Springs, Wi.) survival

(6) 1.



11 Have been raising game birds for 14 years with good success - with few mortalities.

111 We are willing to participate in any breeding progrem.

1V All of the above will be shipped via air in containers approved by the carrier, that provid for the protection and safe delivery of the birds.

V No species covered in this application held previously.

(7) Agreement to purchase birds from
Jack Schulttemann
Devlin, Ontario Canada

(9) 1 Import White earred and Hume's phesants
11 The above will be purchased and shipped to me, via air.
111 For enhancement of progogation or survival
1V No plan to terminate progogation activities. If such occurence should happen, it would be in accordance with federal and state regulations.

Additional information as required by 23.15

(1) Same as (1) on 17.22

(2) Same as (2) on 17.22

(3) Same as (1) above 17.22

(4) All of the birds will be shipped via air in containers approved by the carrier, that provides for the protection and safe delivery of the birds. They will be transported from the airport at Minneapolis to our birds farm by auto - will be fed and watered as soon as they are in our possesion.

(5) Jack Schuittemann
Devlin, Ontario
Canada

(6) N/A

(7) Same as in (6) and (8) under attachments for 17.22

(8) Birds to be acquired are offspring of original pair acquired by Jack Schuitteman in Turope. Birds we will be acquiring are captive bred.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-13-76 C07; please refer to this number when submitting comments. All relevant comments received on or before October 25, 1977.

Dated: September 20, 1977.

DONALD G. DONOHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-27830 Filed 9-22-77;8:45 am]

GRAY WOLF

Emergency Exemption; Issuance

On September 14, 1977, a letter waiving the 30 day public comment period was issued to the Regional Director, Region 2, Albuquerque, N. Mex. This waiver was granted for the purpose of scientific research, propagation, and enhancement of the survival of the species.

It was determined by the U.S. Fish and Wildlife Service that an emergency does in fact exist and that the health and well-being of the animals are threatened and that no reasonable alternative to the proposed action is available to the applicant.

A copy of the letter of waiver is herewith presented. This emergency waiver is provided in accordance with the Endangered Species Act of 1973 as amended by Pub. L. 94-359 (90 Stat. 911).

Dated: September 2, 1977.

FRED L. BALWAHNN,
Acting Chief, Permit Branch U.S. Fish and Wildlife Service.

SEPTEMBER 14, 1977.

MR. W. O. NELSON, JR.,
Regional Director, U.S. Fish and Wildlife Service, U.S. Post Office and Court House, Albuquerque, N. Mex.

In Reply Refer to: FWS/WPO PRT 2-1395-07.

DEAR MR. NELSON: The purpose of this letter is to waive the required 30-day public comment period following publication of an endangered species permit application, as specified in the amended Endangered Species Act of 1973. This waiver is granted on the basis that the lives of the Mexican wolves in question are threatened and that no reasonable alternative is available.

It has been determined by the Service that an emergency does in fact exist in the case of six of these wolves since they are threatened with being killed to protect the livestock interests of a ranch in Nuevo Leon, Mexico.

The Regional Director is authorized, in accordance with PRT 2-1395-07, to import

up to thirty (30) Mexican wolves (*Canis lupus* spp.) from Mexico during the term of this permit for scientific research, propagation, and the enhancement of the survival of the species. It is understood that the immediate import will be for up to six (6) specimens.

This exemption is granted, conditional to the provisions of endangered species permit PRT 2-1395-07, issued September 14, 1977.

Sincerely yours,

WALTER R. MCALLESTER,
Acting Director.

[FR Doc.77-27824 Filed 9-22-77;8:45 am]

SNAIL DARTER

Emergency Exemption; Issuance

On September 16, 1977, a letter waiving the 30 day public comment period was issued to the Regional Director, Region 4, Mr. Kenneth E. Black, Atlanta, Ga. This waiver was granted for the purpose of enhancing the survival of the species.

It was determined by the U.S. Fish and Wildlife Service that an emergency does in fact exist and that the health and well-being of the animals are threatened and that no reasonable alternative to the proposed action is available to the applicant.

A copy of the letter of waiver is herewith presented. This emergency waiver is provided in accordance with the Endangered Species Act of 1973 as amended by Pub. L. 94-359 (90 Stat. 911).

Dated: September 20, 1977.

FRED L. BALWAHNN,
Acting Chief, Permit Branch,
U.S. Fish and Wildlife Service.

MR. KENNETH E. BLACK,
Regional Director, U.S. Fish and Wildlife Service, Atlanta, Ga.

In Reply Refer To: FWS/WPO PRT 2-1412-07.

SEPTEMBER 16, 1977.

DEAR MR. BLACK: The purpose of this letter is to waive the required 30-day public comment period following publication of an endangered species permit application, as specified in the amended Endangered Species Act of 1973. This waiver is granted on the basis that the lives of the snail darters (*Percina tanasi*) are threatened and no reasonable alternative is available.

It has been determined by the Service that an emergency does in fact exist in the case of the snail darters because of the threat to predation by predator fish moving into the area below Tellico Dam.

The Regional Director (FWS) is authorized to capture and relocate in the critical habitat for the species those snail darters found below Tellico Dam.

This exemption is granted, conditional to the provisions of endangered species PRT 2-1412, issued September 16, 1977.

Sincerely yours,

(s) LYNN A. GREENWALT,
Director.

[FR Doc.77-27823 Filed 9-22-77;8:45 am]

Geological Survey

COAL LAND CLASSIFICATION ORDER COLORADO NO. 142

Notice

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, COLORADO

COAL LANDS

T. 3 N., R. 90 W.,
Sec. 4, lots 2 to 4, inclusive, SW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼, W½SE¼;
Sec. 5, lots 1 to 3 inclusive, S½NE¼, N½SE¼.
T. 4 N., R. 90 W.,
Sec. 7, lot 4 and lots 8 to 10, inclusive, NW¼SE¼;
Sec. 17, W½NW¼, SE¼NW¼, SW¼, SW¼SE¼;
Secs. 18 to 20, inclusive;
Sec. 21, S½NE¼, W½, SE¼;
Sec. 28, W½E½, W½;
Secs. 29 and 30;
Sec. 31, lot 1, NE¼, E½NW¼;
Sec. 32;
Sec. 33, W½E½, W½.
T. 4 N., R. 91 W.,
Sec. 11, lot 5, and lots 12 to 14, inclusive;
Secs. 12 and 13;
Sec. 14, lots 1 to 3, inclusive, and lots 6 to 16, inclusive;
Sec. 15, lots 15 and 16;
Sec. 16, NW¼SW¼, S½S½;
Sec. 17, lots 7 and 8;
Sec. 20, lots 1 and 2, lots 7 to 9, inclusive, and lots 11 and 12;
Secs. 21 to 25, inclusive;
Sec. 26, lots 1 to 13, inclusive, and lots 15 and 16;
Sec. 27, lots 1 to 14, inclusive, and lot 16;
Sec. 28, lots 1 to 11, inclusive, and lots 15 and 16;
Sec. 35, lots 1 and 2, and lots 7 and 8;
Sec. 36, lots 1 to 14, inclusive, lots 6 to 8, inclusive, and lots 10 and 11;
H.E. 867;
H.E. 01823;
H.E. 07746 (addition).
T. 5 N., R. 91 W.,
Sec. 6, lot 14;
Sec. 7, lots 8 to 10, inclusive, and lots 12 to 16, inclusive;
Sec. 18, lots 6 to 11, inclusive, and lots 14 to 19, inclusive;
Sec. 19, lots 6 to 20, inclusive;
Sec. 23, lots 7, 8, 12, and 13;
Sec. 24, lots 7 to 11, inclusive;
Sec. 30, lots 5 to 11, inclusive;
That part of tract 39 in SW¼SW¼ of sec. 6, and N½NW¼ of sec. 7;
That part of C.E. 581 in NW¼SE¼ of sec. 7;
That part of H.E. 897 in SW¼SW¼ of sec. 6.
T. 7 N., R. 90 W.,
Sec. 4, lots 8, 9, and 16;
Sec. 5, lots 5 to 15, inclusive;
Sec. 6, lots 8 to 11, inclusive, and lots 14 and 15;
Sec. 16, SW¼SW¼;
Sec. 20, lot 1, and lots 3 to 6, inclusive, NW¼SE¼;
Sec. 21, lot 3, and lots 10 and 11, NW¼NW¼;
That part of H.E. 288 in NE¼SW¼ of sec. 20, and that part of H.E. 292 in NE¼ of sec. 20;
That part of H.E. 292 in NW¼NW¼ of sec. 21;
That part of H.E. 662 in SE¼SE¼ of sec. 17;
P.R.E. 604.
T. 7 N., R. 91 W.,
Sec. 5, lot 17;
Sec. 6, lots 9 to 26, inclusive;
Sec. 7, lots 5 to 16, inclusive, and lots 18 to 20, inclusive;
Sec. 8, lots 4 to 6, inclusive, and lots 11 to 14, inclusive;
Sec. 17, lots 3 and 4;
Sec. 18, lot 5.
T. 8 N., R. 90 W.,
Sec. 4, lot 9, and lots 16 and 17;
Sec 5, lots 10 to 20, inclusive;
Sec. 6, lots 16, 22, and 23;
Sec. 7, lots 5 and 6, lots 10 to 15, inclusive, and lots 18 to 20, inclusive;
Sec. 8;
Sec. 9, lots 4 and 5, and lots 12 and 13;
Sec. 16, W½W½;
Sec. 17;
Sec. 18, lots 5 and 6, and lots 11 to 13, inclusive, and lot 20;
Sec. 19, lots 11 to 20, inclusive;
Sec. 20;
Sec. 21, lots 4 and 5, and lots 12 and 13;
Sec. 28, lots 4 and 5, and lots 12 and 13;
Secs. 29 to 32, inclusive;
Sec. 33, lots 4 and 5, and lots 12 and 13.
T. 8 N., R. 91 W.,
Sec. 3, SW¼SW¼;
Sec 4, SW¼, W½SE¼, SE¼SE¼;
Sec. 5, S½;
Sec. 6, lots 18, 22, and 23;
Secs. 7 to 9, inclusive;
Sec. 10, W½, W½SE¼;
Sec. 15, W½NE¼, W½, NW¼SE¼;
Secs. 16 to 19, inclusive;
Sec. 20, N½, N½S½;
Sec. 21, N½, N½SW¼, NW¼SE¼;
Sec. 22, N½NW¼, SW¼NW¼;
Sec. 24, SE¼SE¼;
Sec. 25, E½;
Sec. 31, lots 12 to 16, inclusive, SE¼SW¼, SW¼SE¼;
Sec. 36, NE¼, N½SE¼, SE¼SE¼.
T. 8 N., R. 92 W.,
Sec. 1, SW¼SW¼, E½SW¼, SE¼;
Sec. 11, NE¼NE¼, S½NE¼, SE¼;
Sec. 12;
Sec. 13, N½, N½SE¼, SE¼SE¼;
Sec. 14, N½NE¼.
T. 8 N., R. 94 W.,
Sec. 19, lots 3 to 4, inclusive, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, NE¼NE¼, S½NE¼, SE¼NW¼, SW¼, N½SE¼;
Sec. 24, N½NW¼, SW¼NW¼;
Sec. 26, NW¼NW¼;
Sec. 27, N½NE¼, SW¼NE¼;
Sec. 29, W½, W½SE¼;
Secs. 30 to 31, inclusive;
Sec. 32, N½, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 33, N½NW¼.

RECLASSIFIED COAL LAND FROM NONCOAL LAND

Prior classification of the following subdivisions as noncoal is hereby revoked and the land is reclassified as coal land:

T. 3 N., R. 86 W.,
Sec. 12, lot 16.
T. 4 N., R. 86 W.,
Sec. 33, SE¼NW¼.
T. 4 N., R. 87 W.,
Sec. 10, lot 2, W½SE¼.
T. 5 N., R. 85 W.,
Sec. 8, lots 8 to 11, inclusive, and lots 20 and 21;
Tracts 167 and 168.
T. 5 N., R. 87 W.,
Sec. 33, lot 7.
T. 5 N., R. 90 W.,
Sec. 19, lot 9;
Sec. 20, lots 5 and 8, NE¼SE¼.
T. 5 N., R. 91 W.,
Sec. 24, lot 6;
That part of F.H.E. 341 in SE¼NW¼, NW¼SE¼ of sec. 24.
T. 5 N., R. 92 W.,
Sec. 1, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 7, lot 8;
Sec. 12, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 17, SW¼SW¼;
Sec. 18, lot 5, NW¼NE¼, SE¼NE¼, NE¼SE¼;
Sec. 20, SW¼NE¼, SE¼NW¼;
Sec. 23, NE¼SW¼.
T. 5 N., R. 93 W.,
Sec. 1, W½SW¼;
Sec. 2, W½ lot 9, NE¼SW¼, SE¼;
Sec. 11, SE¼NE¼, NE¼SE¼;
Sec. 12, NE¼SW¼.
T. 6 N., R. 93 W.,
Sec. 19, SE¼NW¼;
Sec. 28, SE¼SW¼;
Sec. 29, NW¼NE¼;
Sec. 34, SE¼NW¼.
T. 6 N., R. 94 W.,
Sec. 12, lot 2;
Sec. 13, E½SE¼.
T. 7 N., R. 91 W.,
Sec. 7, lot 17;
Sec. 17, lot 5;
Sec. 18, lots 6, 7, and 12.
T. 7 N., R. 92 W.,
Sec. 1, lots 13 to 17, inclusive, SE¼SE¼;
Sec. 2, lots 9 and 10, S½NW¼, SW¼;
Sec. 3, lots 6 to 8, inclusive, S½N½, S½;
Sec. 4;
Sec. 5, lots 5 and 6, S½NE¼, SE¼;
Sec. 9, N½;
Sec. 10, lot 1, N½, NE¼SW¼, NW¼SE¼.
T. 17 N., R. 93 W.,
Sec. 1, lots 7 and 8, NW¼SW¼, S½S½, NE¼SE¼;
Sec. 2, lots 5 to 7, inclusive, S½NE¼, SE¼NW¼, S½;
Sec. 3, S½SW¼, SE¼;
Sec. 4, lots 7 and 8, S½NW¼, SW¼, S½SE¼;
Sec. 6, lots 10 to 12, inclusive, SE¼NW¼;
Sec. 9, NE¼, NE¼NW¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 11;
Sec. 12, N½, SW¼, N½SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, N½, SW¼, NW¼SE¼;
Sec. 15, N½NE¼, SE¼NE¼;
Sec. 31, lots 5 and 6.
T. 7 N., R. 94 W.,
Sec. 1, lot 5, SE¼NE¼;
Sec. 2, S½NW¼;
Sec. 3, SE¼NE¼;
Sec. 4, lots 6 to 8, inclusive;
Sec. 5, lots 5 to 8, inclusive;
Sec. 6, lots 8 to 11, inclusive;
Sec. 24, SW¼SW¼;
Sec. 25, lots 1, 3, 4, and 6, E½NW¼, NW¼NW¼;
Sec. 36, lot 1.
T. 8 N., R. 86 W.,
Tract 91, that part in E½E½ of sec. 19.
T. 9 N., R. 86 W.,
Sec. 33, lots 11, 16, and 18.

The area classified totals 50,808 acres (20,562 ha), more or less, of which 39,676 acres (16,057 ha) are coal land, and 11,132 acres (4,505 ha) which were formerly classified as noncoal are reclassified as coal land.

Dated: September 14, 1977.

W. A. RADLINSKI,
Acting Director.

[FR Doc.77-27765 Filed 9-22-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation 337-TA-32]

CERTAIN DOT MATRIX IMPACT PRINTERS

Prehearing Conference and Hearing

Notice is hereby given that a Prehearing Conference will be held in connection with the above styled investigation at 10:00 a.m. on October 20, 1977, in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C. On or before October 14, 1977, the parties will have completed service of Prehearing Conference Statements by order of the Presiding Officer. The purpose of this Prehearing Conference is to review such statements, complete the exchange of exhibits, and resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing in this proceeding will commence at 10:00 a.m. on October 31, 1977, in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C., and will continue daily until completed.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this Notice in the FEDERAL REGISTER.

Issued September 15, 1977.

JUDGE MYRON R. RENICK,
Presiding Officer.

[FR Doc.77-27745 Filed 9-22-77;8:45 am]

LIVE CATTLE AND CERTAIN EDIBLE MEAT PRODUCTS OF CATTLE

Report to the President

SEPTEMBER 17, 1977.

To the President:

In accordance with section 201(d)(1) of the Trade Act of 1974, the United States International Trade Commission herein reports the results of an investigation relating to live cattle and certain meat products of cattle fit for human consumption.

The investigation (No. TA-201-25) was undertaken to determine whether live cattle and certain meat products of cattle fit for human consumption provided for in items 100.40 through 100.55, inclusive; 106.10, 106.80, and 106.85; 107.20 and 107.25; 107.40 through 107.60, inclusive; and 107.75 of the Tariff Schedules of the United States (TSUS) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

The Commission instituted the investigation, under the authority of section 201(b)(1) of the Trade Act, on March 26, 1977, following the receipt, on March 17, 1977, of a petition for import relief under section 201 of the Trade Act of 1974 (19 U.S.C. 2251) filed by the National Association of American Meat Promoters, the Meat Promoters of South Dakota, the Meat Promoters of North Dakota, the Meat Promoters of Montana, and the Meat Promoters of Wyoming.

The Commission held public hearings on this matter in Rapid City, S. Dak., on June 14 and 15, 1977; Fort Worth, Tex., on June 28 and 29, 1977; New York, N.Y., on July 12, 1977; and Kansas City, Mo., on July 19 and 20, 1977.

Notice of the institution of the investigation and of the scheduling of the public hearings was published in the FEDERAL REGISTER of April 13, 1977 (42 FR 19389). Notice of the addition of the Kansas City hearing was published in the FEDERAL REGISTER of May 19, 1977 (42 FR 25774).

The information for this report was obtained from field work and interviews by members of the Commission's staff, from other Federal agencies, from responses to the Commission's questionnaires, from information presented at the public hearings, from briefs submitted by interested parties, and from the Commission's files.

A transcript of the hearing and copies of briefs submitted by interested parties in conection with the investigation are attached.[1]

DETERMINATION OF THE COMMISSION

On the basis of the investigation, the Commission (Chairman Minchew not participating) determines that live cattle and certain meat products of cattle fit for human consumption, provided for in items 100.40 through 100.55, inclusive; 106.10, 106.80, and 106.85; 107.20 and 107.25; 107.40 through 107.60, inclusive; and 107.75 of the TSUS are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

VIEWS OF VICE CHAIRMAN JOSEPH O. PARKER AND COMMISSIONERS GEORGE M. MOORE, CATHERINE BEDELL AND ITALO H. ABLONDI

On March 26, 1977, the United States International Trade Commission instituted an investigation to determine whether live cattle and certain meat products of cattle fit for human consumption, provided for in items 100.40 through 100.55, inclusive; 106.10, 106.80, and 106.85; 107.20 and 107.25; 107.40

[1] Attached to the original report sent to the President, and available for inspection at the U.S. International Trade Commission, except for material submitted in confidence.

through 107.60, inclusive; and 107.75 of the Tariff Schedules of the United States (TSUS) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles. The investigation followed the receipt on March 17, 1977, of a petition filed by the National Association of American Meat Promoters, the Meat Promoters of South Dakota, the Meat Promoters of North Dakota, the Meat Promoters of Montana, and the Meat Promoters of Wyoming.

The Trade Act of 1974 requires that each of the following criteria be met before an affirmative determination can be made:

(1) There are increased imports of an article into the United States;

(2) The domestic industry producing an article like or directly competitive with the imported article is being seriously injured, or threatened with serious injury; and

(3) Such increased imports are a substantial cause of the serious injury, or the threat thereof, to the relevant domestic industry.

DETERMINATION

On the basis of the information developed by the Commission in this investigation, we have determined that live cattle and certain meat products of cattle, fit for human consumption, described in the TSUS items set forth above, are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles. Specifically, we find that imports are not a substantial cause of the injury complained of by the petitioners, whether or not there are increased imports. Since we find that the third criterion of the statute referred to above has not been met, our determination must be in the negative.

THE SUBJECT ARTICLES AND THE DOMESTIC INDUSTRY

The imported articles which are the subject of this investigation consist of live cattle and a wide variety of products described herein as beef and veal. The domestic industry producing articles like or directly competitive with these imported articles is made up of several segments: cattle growers who raise cattle for slaughter or for further feeding, feedlot operators who further finish or fatten cattle on grain prior to slaughter, slaughterers, and processors who are engaged in the manufacture of beef and veal products including ground beef, sausages, and other meat products.

INCREASED IMPORTS

Pursuant to subsection (b)(2)(C) of section 201 of the Trade Act, the first criterion referred to above, that of increased imports, may be satisfied if there is an increase in either the actual quantity or in the ratio of imports to domestic production. Over the most recent 5-year period—a period which the Commission, in prior investigations, has considered in determining whether there are increased imports—imports of live cattle and beef and veal within the scope of this investigation have trended downward in both absolute terms and relative to domestic production.

During the period 1964–76, the period referred to by petitioners, imports have increased in terms of total quantity. U.S. population and per capita consumption increased substantially. The increase in total consumption during this period is more than seven times the increase in imports, the net result being that the ratio of imports to consumption during the 12-year period was less than the ratio of imports to consumption in 1962 and 1963.

Another factor of relevance to the question of increased imports is the enactment of Public Law 88–482 (popularly known as the Meat Import Act of 1964) and the direct and indirect implementation of the policy of that statute. Since January 1, 1965, imports of fresh, chilled, or frozen beef and veal have been subject to that act, which covers nearly 90 percent of the total U.S. imports of beef and veal. In essence, it provides that imports of such beef shall be subject to restriction by Presidential proclamation, within the levels provided by the legislation, whenever imports reach a certain level. The President may suspend such restrictions whenever he determines it to be in the national interest to do so. In the administration of the Meat Import Act, bilateral agreements have, at times, been negotiated and used in the effectuation of the policies of the act. Under the bilateral agreements, signatory countries are permitted to import up to, but not in excess of, the levels specified in the agreements. The levels of permitted imports are determined annually and are related to the level of domestic production during a base period, plus a growth factor. As a result of the implementation of the Meat Import Act and the various bilateral agreements, imports of beef and veal have remained relatively constant as a share of domestic consumption since 1965 and below the levels in 1962 and 1963. Since the enactment of the Meat Import Act, imports have been subject to restraint, and the domestic industry has been able to determine with a reasonable degree of certainty that imports will not exceed certain levels.

SERIOUS INJURY

Cattle raisers have been facing distressed conditions since about 1974, as cattle numbers increased to historic levels and liquidations became necessary. The liquidation process, which requires increased marketings at a time when beef supplies are abundant, is a difficult adjustment which often results in losses to cattle raisers. The distress has been compounded by the severe cost-price squeeze being experienced by cattle raisers, because as prices have been declining, in light of heavy supplies, costs have been rapidly escalating. However, the question which we must address in this investigation is not whether cattle raisers and the beef industry are in distress, but whether the industry is being seriously injured or threatened with serious injury by increased imports and whether such imports are a substantial cause of such injury within the meaning of the statutory criterion. The distressed condition of the cattle raisers alone is not sufficient, under the statutory criterion, for an affirmative determination. It must be established that there is serious injury, or the threat thereof, to the domestic industry and that imports are the substantial cause of that injury or threat.

SUBSTANTIAL CAUSE

Section 201(b)(4) of the Trade Act defines "substantial cause" as a "cause which is important and not less than any other cause." In addressing the question of substantial cause, the House Ways and Means Committee Report states:

> The Committee intends that a dual test be met—imports must constitute an important cause and be no less important than any other single cause. For example, if imports were just one of many factors of equal weight, imports would meet the test of being "not less tha any other cause" but it would be unlikely that any of the causes would be deemed an "important" cause. If there were any other cause more important than imports, then the second test of being "not less than any other cause" would not be met. On the other hand, if imports were one of two factors of equal weight and there were no other factors, both tests would be met.[1]

The Senate Finance Committee Report addressed the question by stating:

> The Committee recognizes that "weighing" causes in a dynamic economy is not always possible. It is not intended that a mathematical test be applied by the Commission. The Commissioners will have to assure themselves that imports represent a substantial cause or threat of injury, and not just one of a multitude of equal causes or threats of injury. It is not intended that the escape clause criteria go from one extreme of excessive rigidity to complete laxity. An industry must be seriously injured . . . and the imports must be deemed to be a substantial cause of the injury before an affirmative determination should be made.[2]

In determining "substantial cause" it is necessary, therefore, to consider two tests. First a cause must be important; and, second, a cause must be not less than any other cause.

The information developed in the investigation conducted by the Commission clearly shows that the substantial cause criterion has not been met. The investigation discloses that the cattle industry has been in a distressed condition since the sharp decline in cattle values which occurred in 1974 following a continued rise in cattle prices, which peaked in

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[1] U.S. House of Representatives, *Trade Reform Act of 1973: Report of the Committee on Ways and Means . . .*, H. Rept. No. 93–571 (93d Cong., 1st sess.), 1973, pp. 46–47.

[2] U.S. Senate, *Trade Reform Act of 1974: Report of the Committee on Finance . . .*, S. Rept. No. 93–1298 (93d Cong., 2d sess.), 1974, pp. 120–121.

1973. The cattle liquidation which commenced thereafter, and which is still in progress, resulted in increased marketings of cattle and increased supplies of beef to be marketed. Imports were not a substantial cause of this condition. Although imports have contributed to the total meat supply, they have had but a minor impact in comparison with the significant increase in supplies resulting from increased domestic production.

Between January 1, 1971, and January 1, 1973, the number of cattle on U.S. farms and ranches increased from 114.6 million head to 121.5 million head, while the cattle slaughter remained fairly constant. During 1973, the national cattle herd increased by another 6 million head. However, in that year, cattle slaughter decreased by 3 million head from the number in the previous 3 years. Total U.S. production of beef and veal (in carcass-weight equivalent), which rose steadily from 19.4 billion pounds in 1964 to 22.8 billion pounds in 1972, declined to 21.6 billion pounds in 1973. As domestic supplies tightened, average beef prices reached an alltime high despite the record level of imports that year.

There was a further increase in the total national cattle herd in 1974 and a record high yearend herd. In that year, however, cattle slaughter increased by more than 4 million head over the 1973 slaughter. Total production of beef and veal, which had declined in 1973, increased by 2 billion pounds in 1974 alone—an increase equal to nearly 60 percent of the total increase of 3.4 billion pounds which had taken place during the 9-year period 1964–1972. During 1974, average cattle prices plummeted, and imports of beef and veal decreased substantially.

In 1975, cattle slaughter again increased, this time by 6.2 million head, and domestic production of beef and veal increased by more than 1 billion pounds. Average cattle prices continued to decline in 1975. Imports of beef and veal increased slightly during that year, but were equivalent to only 5.3 percent of domestic production and were subject to restraints under bilateral agreements.

In 1976, the cattle slaughter trend continued upward, with an increase of 2 million head. Total beef and veal production increased by another 2 billion pounds and average cattle prices remained low. Imports were equivalent to 5.6 percent of domestic production. The ratio of imports to consumption in 1976 was substantially below the ratio in 1961–63.

In summary, the foregoing statistics show that between 1973 and 1976, the number of cattle slaughtered increased by approximately one-third and total domestic production of beef and veal increased by more than 5 billion pounds. This was more than one and a half times the amount of the increase which occurred during the 9-year period 1964–1972. In contrast, beef and veal imports declined during the period 1973–76. In fact, the increase in imports (in carcass-weight equivalent) between 1964 and 1976 amounts to less than 20 percent of the increase in domestic production between 1973 and 1976. The increase in domestic production in 1976 alone almost equaled the total volume of beef imports in that year. It is clear that the large increase in supplies caused by increased domestic production, rather than imports, was the primary cause of the distress of the cattle industry.

It is also important to recognize the specific nature of the beef and veal imports in considering the impact of imports. Most of the beef and veal imported into the United States is used for manufacturing, principally for making ground beef, including hamburger and other further processed items. Information obtained in the course of the investigation suggests that the demand for hamburger in the United States has been strong and growing for a number of years. Ground beef, hamburger, and sausage are produced largely from the meat from cull cows and bulls (the type of beef with which the bulk of the imports compete) and imported beef which are blended with trimmings from domestic fed cattle.

U.S. prices of cull cows, like those of all cattle, declined from 1973 to 1975. However, as steer prices declined from 1975 to 1976, cull cow prices rose. This firmness of cow prices reflects the growing demand for manufacturing beef for hamburger. The firm cow prices have persisted despite imports of beef which were often found to be higher in price than the domestic beef for making hamburger.

At the hearings on the investigation, information was presented that showed that imported lean beef is often mixed with trimmings from domestic fed cattle and the fat from such cattle, which otherwise would be used in making lower value products such as tallow. The value of the domestic trimmings is enhanced to the extent that they are mixed with the imports for the production of hamburger and other manufactured beef products.

CONCLUSION

On the basis of the information obtained in this investigation, we have determined that imports are not a substantial cause of serious injury, or the threat thereof, to the domestic industry. Therefore, we have made a negative determination.

Issued: September 20, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-27746 Filed 9-22-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-22]

ROBERT C. BERWICK, M.D.

Notice of Hearing

Notice is hereby given that the hearing previously scheduled in this matter (notice of which was published at 42 FR 45970, September 13, 1977) has been reset. This hearing will now commence at 9:30 a.m. on Friday, October 21, 1977 and will be held in the U.S. Tax Court Courtroom, Room 8541 of the Federal Building, 300 North Los Angeles Street, Los Angeles, Calif.

Dated: September 19, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-27852 Filed 9-22-77;8:45 am]

[Docket No. 77-19]

PHENMETRAZINE QUOTAS—1977

Notice of Hearing

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

On September 29, 1976, a notice of the proposed aggregate production quotas for Schedules I and II controlled substances for 1977 was published in the FEDERAL REGISTER (41 FR 42965). All interested parties were invited to comment or object to the proposed aggregate production quotas on or before October 29, 1976. This announcement proposed that the aggregate production quota for phenmetrazine for 1977 be established at 2,216,000 grams (expressed as anhydrous base).

The law firm of Arnold and Porter of Washington, D.C. representing Western Fher Laboratories of Puerto Rico (the bulk manufacturer of phenmetrazine), Ciba-Geigy Corporation (the manufacturer of dosage forms of phenmetrazine—trade name Preludin) and Boehringer Ingelheim, Ltd. (the primary distributor of Preludin in the United States), submitted comments and a request for hearing relative to the proposed aggregate production quota for phenmetrazine. These comments stated that the proposed quota for phenmetrazine was substantially below the quotas established for this substance for the past three years and far below the quota requested by Western Fher of 6,529,000 grams.

To provide for the on-going manufacture and needs of the United States while consideration was being given to this matter, DEA established an interim 1977 aggregate production quota for this substance of 2,126,000 grams (41 FR 49873–74).

In an order dated April 25, 1977 and published at 42 FR 21860, the Administrator of the Drug Enforcement Administration proposed that the aggregate production quota for 1977 for phenmetrazine expressed in grams in terms of base, be established as follows:

Basic class:	*Re-proposed 1977 aggregate production quota (grams)*
Phenmetrazine	2,900,000

Under date of May 31, 1977, Western Fher Laboratories, a division of Fher Corporation, Ltd., Boehringer Ingelheim, Ltd. and Ciba-Geigy Corporation requested a hearing with respect to the proposed final 1977 aggregate phenmetrazine production quota and the proposed final 1977 individual phenmetrazine manufacturing quota for Western Fher and the proposed final 1977 phenmetrazine procurment quota for Ciba-Geigy.

In an order dated July 11, 1977 published at 42 FR 36570, the Administrator of the Drug Enforcement Administration announced that these requests for hearing had been assigned to an Administrative Law Judge for appropriate proceedings under the Administrative Procedure Act, and, while the matter remained in litigation, the Administrator ordered that the final 1977 aggregate production quota for phenmetrazine, expressed in grams in terms of anhydrous base, be established as follows:

Basic class:	*Final 1977 aggregate production quota (grams)*
Phenmetrazine	2,900,000

Notice is hereby given that a hearing will be conducted before Administrative Law Judge Francis L. Young pursuant to the three above described requests for hearing, said hearing to commence at 9:30 a.m. on Monday, October 3, 1977, in the Hearing Room, Room No. 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C., to be conducted pursuant to the provisions of the Administrative Procedure Act.

Dated: September 19, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-27851 Filed 9-22-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

Correction

In FR Doc 77-26792 appearing at page 46620 in the issue of Friday, September 16, 1977, on page 46621, first column, the existing table should be replaced by the following table.

Applications received during the week ending Sept. 9, 1977

Name of applicant	Location of enterprise	Principal product or activity
Marshall Manor, Inc.	Machias, Maine	Intermediate nursing care for elderly.
American Press, Inc.	Gordonsville, Va.	Offset printing.
W. L. Smith Co.	Panama City, Fla.	Restaurant and retail food sales.
Delta Seed & Rice Inc.	Arcola, Miss.	Processing, storage, and sale of grain.
Davis Casket Co., Inc.	Americus, Ga.	Manufacture and marketing steel caskets.
Kaintuck Territory, Inc.	Benton, Ky.	Tourist facility.
Rochel Construction Co., Inc.	Zimmerman, Minn.	Installing utilities in housing development.
Aspen Fibre Corp.	Marcell, Minn.	Manufacture of pellets for feed and fuel.
Panel Processing, Inc.	Coldwater, Mich.	Manufacture of display panels.
Joplin Hiway, Inc., and Subsidiary Monkem Co., Inc.	Joplin, Mo.	Soliciting and controlling traffic for motor carrier operations.
Rocky Mountain Products	Larkspur, Colo.	Manufacture of communications equipment.
Yonemura Nursery, Inc.	Carpinteria, Calif.	Nursery operation.

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at

29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding theseing these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 19th day of September 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending Sept. 16, 1977

Name of applicant	Location of enterprise	Principal product or activity
LeRoy Investment Associates	LeRoy, N.Y.	Nursing home.
Health Care Fund	Moundsville, W. Va.	Do.
Lee's Farm Service, Inc.	Brunwood, Ga.	Sale of grain, soybeans, feed and other agricultural products.
Murray Envelope Corp.	Hattiesburg, Miss.	Manufacture of envelopes, file folders and index cards.
Appalachian Industries, Inc.	Cleveland, Ga.	Manufacture of lumber and pulp chips.
Falls Manufacturing, Inc.	Montevideo, Minn.	Manufacture of mobile homes and modular homes.
Sheridan Health Care Center	Sheridan, Ind.	Intermediate nursing care facility.
H&G Home Improvement Center, Inc.	Shelby, Ohio	Home improvement retail center.
Crawford County Industrial Development Corp.	Van Buren, Ark.	To develop industrial sites.
Vikings Industries, Inc. (tenant of city of Flandreau).	Flandreau, S. Dak.	Manufacture of recreation vehicles.
Pioneer Square	Cedar City, Utah	Mini shopping center.
Farmers Co-operative Association of Churchs Ferry.	Churchs Ferry, N. Dak.	Grain elevator.
Royhl B. Ebert & Donald J. Ebert	Underwood, N. Dak.	Restaurant/bar.
Swift Aire Lines, Inc.	San Luis Obispo, Calif.	Operation of scheduled air transportation for passengers and freight.
Coldwater Courthouse No. 1, Ltd.	Avondale, Ariz.	Athletic club services.

[FR Doc.77-27757 Filed 9-22-77;8:45 am]

FEDERAL COMMITTEE ON APPRENTICESHIP

Notice of Meeting

NOTE.—This document originally appeared at page 42 FR 47595, in the FEDERAL REGISTER for Wednesday, September 21, 1977. It is reprinted in this issue to meet assigned day-of-the-week requirements.

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, notice is hereby given that the Federal Committee on Apprenticeship will conduct an open meeting on Thursday, October 6, from 9 a.m. to 4:00 p.m.; Friday, October 7, 1977, from 9 a.m. to 12 noon at The Harry Lundeberg School, Lundeberg Maryland Seamanship School, Inc., Piney Point, Maryland.

The agenda for the meeting on October 6 will include:

1. Office of National Programs, ETA.
2. Proposed New EEO Construction Standards for Women in Construction.
3. Amendments to 29 CFR 30 Equal Employment Opportunity in Apprenticeship and Training.
4. 29 CFR 23 Trainee Programs on Federal and Federally Assisted Construction.
5. 40th Anniversary of the National Apprenticeship Act.
6. Proposed Legislation to Amend the Fitzgerald Act.
7. Swearing in of New Committee Members.

The agenda for the meeting on October 7 will include:

1. BAT film, "The Apprentice", produced by the Employment and Training Administration, U.S. Department of Labor.
2. Research Developments in Apprenticeship.
3. New Goals for the FCA.
4. Apprenticeship Registration in the Federal Agencies.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty copies are needed for the members and for the inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate in a written statement, also the nature of intended presentation and amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests. Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Department of Labor, 601 D Street NW. (Room 5434), Washington, D.C. 20213.

Signed at Washington, D.C., this 19th day of September 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training Administration.

[FR Doc.77-27729 Filed 9-20-77;8:45 am]

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Application Nos. D-880 and D-882]

PENDENCY OF PROPOSED EXEMPTIONS FOR CERTAIN TRANSACTIONS INVOLVING THE CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Notice of pendency of proposed exemptions.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of two proposed exemptions from certain restrictions imposed by the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemptions were requested in an application filed by The Equitable Life Assurance Society of the United States (Equitable) and an application filed by Victor Palmieri and Company Inc. (VPCO), Mr. Victor Palmieri and Mr. Brian Corbell for transactions involving the Central States, Southeast, and Southwest Areas Pension Fund (the Fund).

The proposed exemptions, if granted, would affect participants and beneficiaries of the Fund, their employers, Equitable, VPCO and other persons participating in the described transactions.

DATES: Written comments must be received by the Department on or before October 11, 1977.

ADDRESS: All written comments (at least six copies) should be addressed to Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Applications D-880 and D-882. The applications for exemptions referred to in this notice and all comments relating thereto will be available for public inspection at the Public Documents Room of Pension and Welfare Benefit Programs, Room N-4677, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, and the Internal Revenue Service National Office

Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Martha McLane of the Department of Labor (202-523-9141), or Neil Grossman of the Internal Revenue Service (202-566-4260). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department and the Service (hereinafter collectively referred to as the Agencies) of an application filed by Equitable and an application filed by VPCO, Mr. Palmieri and Mr. Corbell for exemptions from the restrictions of sections 406(a)(1) (A), (B), and (D) of the Act and from the taxes imposed by sections 4975 (a) and (b) of the Code by reason of sections 4975(c)(1) (A), (B), and (D) of the Code. The proposed exemptions would apply to three ground leases between Equitable and the Fund and a loan by the Fund. The proposed exemptions are based on the representations contained in the two applications for exemption and in various other applications for exemptions filed by Equitable and VPCO (see Notice of Pendency of Proposed Exemptions, Application No. D-850, 42 FR 45425, September 9, 1977) which are summarized below. Interested persons are referred to the applications for exemptions for the complete representations of the applicants. The applications were filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

BACKGROUND

Equitable, VPCO, Mr. Palmier, and Mr. Corbell have made the following common representations which apply to each proposed exemption.

The Fund is a multiemployer employee benefit plan established and maintained pursuant to collective bargaining agreements between employers and certain affiliated unions of the International Brotherhood of Teamsters. It was established in 1955 by trust agreement, amended from time to time thereafter, by and between Central Conference of Teamsters, Central States Drivers Council, Southern Conference of Teamsters, and their affiliated local unions, and the Southeastern Area Motor Carriers Labor Relations Association, Southwest Operators Association, National Automobile Transporters Labor Council, Motor Carriers Employers Conference—Central States, Cartage Employers Management Association, Cleveland Draymen Association, Inc., and Northern Ohio Truck Association, Inc. In accordance with section 302(c)(5) of the Labor Management Relations Act, 1947 (29 U.S.C., sec. 186(c)(5)), the Fund is jointly administered by ten trustees, consisting of an equal number of employee and employer representatives. The Fund generally covers Teamster employment in 33 States located in the Central, Southeast, and Southwest areas of the United States.

The Fund has been the subject of investigation by the Department of Labor, the Department of Justice, the Internal Revenue Service, the Securities and Exchange Commission, and other agencies for a period of years. It has also been the subject of numerous Congressional inquiries and hearings. In published statements of government agencies, congressional committees, and the Fund's staff, and in other publicly available information, there has been wirespread criticism and allegations of abuse in connection with the mangaement of the Fund's assets.

During the last year, the following governmental actions, among others, have been announced:

By letter dated June 25, 1976, the District Director of the Internal Revenue Service, Chicago District, revoked the Fund's tax exempt status.

Subsequent to the date of the initial revocation letter, the Internal Revenue Service delayed the application of the revocation four times with respect to certain contributing employers, employees, beneficiaries, and survivors of participants of the Fund. During this period, government attorneys and attorneys for the Fund engaged in a series of negotiations on problem areas.

On March 14, 1977, the Service and the Department issued a joint release (USDL 77-232, IR 1775) announcing the resolution of certain issues respecting asset management of the Fund "in a manner that meets the government's objectives." In part, the release stated:

> The trustees of the Fund have resolved to delegate to one or more investment managers (as defined in section 3(38) of the Act) the control of all investments of the Fund.

Based on this and other matters announced, and subject among other things, to the engagement of professional investment managers, the Service said that it would issue a determination letter requalifying the Fund and the Department said that it would terminate that portion of its investigation relating to procedures of the Fund respecting asset management.

Subsequently, on April 26, 1977, the Service issued a determination letter requalifying the Fund for tax years beginning after December 31, 1976, subject to a number of conditions, including, among others, the following:

> 1. The Fund completing by May 1, 1978 an examination of all loans and related financial transactions entered into by the Fund from February 1, 1965 to April 30, 1977. The results of this examination, including all background information, conclusions and recommendations will be submitted to unrelated independent professionals to determine if the Fund has any enforceable causes of action or other recourse arising from the transactions. These independent professionals may require the Fund to produce, or may themselves otherwise obtain, such additional information concerning these transactions as they deem necessary to make their determinations. The completed reports and recommendations for each transaction will be available to the IRS no later than the 5th working day of each month, summarizing progress on this activity.
>
> 2. The Trustees placing all Fund assets and receipts, including funds derived from liquidation of existing investments (except funds reasonably retained by the Fund for (a) payment of plan benefits and (b) payment of administrative expenses), under direct continuing control of independent professional investment managers as defined by section 3(38) of ERISA. The Trustees will adopt appropriate amendments to the trust agreement to accomplish this condition and will expeditiously transfer the assets to the investment managers. Recognizing the complexities of the large investment portfolio, the completion date for accomplishing delivery of the investment assets will be no later than December 31, 1977. However, the securities-related assets and the majority of the real estate-related assets will be made available to the investment managers for inspection, documentation and evaluation no later than June 30, 1977.

During this period, officials of the Fund were actively attempting to secure independent, professional investment managers. The selection of independent investment managers for the Fund was regarded by the government as a crucial objective of governmental demands upon representatives of the Fund. Representatives of the Department were continually apprised of the progress of the negotiations. Ultimately, on June 17, 1977, the trustees of the Fund announced their selection of Equitable as named fiduciary for the Fund and Equitable, VPCO, and others as investment managers.

Equitable is a mutual life insurance company whose principal office is located at 1285 Avenue of the Americas, New York, N.Y. 10019. Its Employer I.D. No. is 13-5570651. It is a New York corporation subject to the insurance laws of New York, and it is registered as an investment adviser under the Investment Advisers Act of 1940. Equitable is the third largest life insurance company in the United States; as of December 31, 1976, its assets were a total of $22,430,472,618. Prior to its execution of the June 30, 1977, contracts, with the exception of the transaction described in Part I below, it had no affiliation or relationship with the Fund.

VPCO is a corporation which has provided executive management services to various businesses and whose application for registration as an investment adviser under the Investment Advisers Act of 1940 is currently pending. It is presently managing assets and operating companies valued at more than $1,500,000,000, including all the non-rail assets and operating companies of the Penn Central Transportation Company and those of Levitt and Sons, Inc. It has a principal office at 2021 K Street NW., Washington, D.C. 20006; its Employer I.D. No. is 95-2644662. Prior to its execution of the June 30, 1977 contracts, with the exception of the transaction described in Part II below, it had no affiliation or relationship with the Fund.

To effectuate the independent, professional management of the Fund's as-

sets, the trustees of the Fund entered into a series of agreements with Equitable, VPCO, Lazard Freres and Company (Lazard), Mercantile National Bank at Dallas (Mercantile), and Crocker Investment Management Corporation (CIMCO).

The agreements establish a framework whereby Equitable will serve as named fiduciary of the Fund, having responsibility for, among other things, monitoring, appointing, and removing investment managers (other than VPCO) and custodians, allocating available investment funds among different types of investments and different investment managers, and developing and implementing investment objectives and policies. Equitable, Lazard, Mercantile, and CIMCO will be appointed investment managers for securities-related assets, with each to receive, as determined by Equitable, an initial allocation of approximately one-fourth of the total market value of the securities-related assets held by the Fund, and with the restriction that the securities-related assets initially allocated to Equitable for its management will have a value of approximately one-fourth of the total market value of the securities-related assets as of the closing date and that Equitable will be allocated one-fourth of such additional funds as may become available for new investment in securities-related assets. Equitable and VPCO will be appointed investment managers for real estate-related assets, with Equitable generally responsible for property situated east of the Mississippi River and VPCO generally responsible for property situated west of the Mississippi River. However, Equitable and VPCO may agree to reallocate property between themselves, and any such reallocation may result in a corresponding reallocation of their management fees. In the performance of their functions as investment managers for the real estate-related assets, Equitable and VPCO or companies related to either may provide goods or services to the Fund. In the event that the Fund holds assets other than securities-related and real estate-related assets, Equitable will be authorized to appoint an investment manager for such other assets, which may include itself or VPCO. The trustees will retain all authority not vested in Equitable, the investment managers, and the custodians, including responsibility for the management of the Benefits and Administration Account and the concomitant power to cause Equitable to provide for the transfer of available investment funds to the Benefits and Administration Account for the purpose of paying benefits and administrative expenses of the Fund.

The fees paid to each of the investment managers for securities-related assets will be based on a percentage of the value of the assets under its management. Equitable and VPCO, as investment managers for real estate-related assets, will receive annual fees of $1,900,000 and $3,100,000, respectively. Equitable's fee for serving as named fiduciary will be based on a percentage of the Fund's assets under the management of all the investment managers except Equitable.

The appointment of Equitable as named fiduciary and Equitable and VPCO as investment managers can only be terminated during the first five years by the trustees "for cause" and with the consent of the Secretary of Labor.

These agreements are now scheduled to take effect on October 3, 1977, which has been established as the closing date for most of the above arrangements. However, this date may be extended by Equitable or VPCO if either determines that it has not received all necessary rulings, exemptions, and opinions of governmental authorities. The trustees of the Fund may rescind the agreements if the closing date does not occur on or before November 1, 1977.

The Department and the Service will play a continuing role after the agreements become effective. As set forth in the agreements, the Department has established a special task force for the purpose of providing assistance and guidance to the investment managers and protecting the interests of participants and beneficiaries of the Fund.

Notice of the pending exemptions as published in the FEDERAL REGISTER will be sent by certified mail within 3 days of publication in the FEDERAL REGISTER to each current trustee and to each current employer association and employee organization which is a signatory to the trust agreement.

PROPOSED EXEMPTIONS

The applications contain certain representations which are specifically applicable to each of the proposed exemptions which are summarized below. Interested persons are referred to the applications and supporting documents on file with the Agencies for the complete representations of the applicants. Each part set forth below contains a summary of the specific representations which are applicable to the particular proposed exemption followed by the proposed exemption.

PART I—CONTINUANCE OF GROUND LEASES BETWEEN EQUITABLE AND THE FUND

Summary of Representations. Effective on the closing date of the agreements, Equitable will become the named fiduciary of the Fund with specified overall responsibilities for investment of the assets of the Fund and an investment manager for a portion of the Fund's real estate-related assets and securities-related assets with sole authority and responsibility for all investment management decisions relating thereto.

There are currently in existence three ground leases between Equitable and the Fund on property owned by the Fund which underlies a building that is owned by Equitable. The property is located at 17–25 North State Street, and runs to 18–20 North Wasbash Street, Chicago, Ill., and the building, known as the Stevens Building, totals approximately 367,000 square feet 200,000 square feet of which is occupied by a retail store. The remainder is an office building.

The ground leases are each 99-year leases, and are due to expire in 1991, 2000, and 2010, respectively. The total annual rental from the three leases is $80,000.

Equitable obtained the building and the ground leases in March, 1975, when it foreclosed on a mortgage on the building that had secured a loan issued to the prior owner of the building, the Swett Realty Company. The Swett Realty Company was wholly owned by Israel Swett and his family. Equitable had loaned the Swett Realty Company $3,000,000 in May, 1964, and had increased the loan by $150,000 in 1965. Equitable is currently trying to sell the building but as of the date of the application for exemption, had been unable to find a purchaser. In this regard, Equitable represents that it will not sell, or attempt to sell, the building to the Fund.

At the time Equitable assumed ownership of the building and became the lessee with respect to the ground leases, Equitable was not a party in interest or disqualified person with respect to the Fund. To the best of Equitable's knowledge, neither the Swett Realty Company nor any of its principals were a party in interest or disqualified person with respect to the Fund on the date of the mortgage foreclosure.

Equitable has requested an exemption for the continuation and modification of the three ground leases; the purchase by Equitable from the Fund of the property which is subject to the ground leases, and the sale to an unrelated third party by Equitable and the Fund together of the buildings and the underlying property. The exemption, as proposed, would exempt only the continuation of the three ground leases in accordance with the terms of the existing lease agreements. The Agencies have not proposed an exemption for the modification, purchase and sale transactions as they relate to hypothetical situations.

Equitable proposes to take certain steps to protect the Fund in connection with the continuance of the leases. Although the Chicago property is located east of the Mississippi River and, therefore, would ordinarily be among the real estate-related assets allocated for management to Equitable under the agreements, Equitable intends not to accept this property for management. Consequently, pursuant to the agreements, VPCO will have the exclusive investment management authority and responsibility for the property. Therefore, any transaction that involves the ground leases would have to be negotiated with VPCO acting on behalf of the Fund.

Although Equitable is responsible for monitoring VPCO's performance as an investment manager, this monitoring responsibility is shared with the trustees of the Fund. In addition, Equitable has no authority to remove VPCO as an investment manager; this authority is reserved

for the trustees. Further, during the first five years of the new investment arrangements, VPCO can only be removed as an investment manager by the trustees "for cause" and with the consent of the Secretary of Labor. Finally, VPCO's compensation is fixed by the agreements and cannot be modified by Equitable.

Pending Exemption. Based on the application described herein, the Agencies have under consideration the granting of an exemption, effective the date of the closing pursuant to the agreements, under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722, so that the restrictions of sections 406(a)(1) (A) and (D) of the Act and taxes imposed by sections 4975 (a) and (b) of the Code by reason of sections 4975(c)(1) (A) and (D) of the Code, shall not apply to the continuation of the three ground leases hereinabove described between Equitable and the Fund in accordance with the terms of the existing lease agreements.

PART II—CONTINUANCE OF LOAN

Summary of Representation. On February 11, 1963, the Fund made a loan of $3,600,000 to Dallas Cabana, Inc., an entity unrelated to VPCO, Mr. Palmieri, or Mr. Corbell (hereinafter collectively referred to as the applicants). The terms of the loan provided for interest at 6¼ percent per annum with monthly payments of $30,888 commencing March 15, 1963, with maturity on February 15, 1978. The loan was secured by a first mortgage on a 14-story, 300-room motor hotel located at 899 Stemmons Freeway, Dallas, Texas, and 119,023 square feet of land associated with the hotel. An appraisal of the motor hotel and associated land by Real Estate Research Corporation, dated January 8, 1960, appraised the property at $4,420,000 on an income capitalization approach.

In early 1969, Dallas Cabana, Inc. was declared bankrupt. In May of 1969, the bankruptcy court approved a sale of the motor hotel property to Hyatt House Corporation (Hyatt) for the sum of $4,350,000. In connection with the Hyatt purchase, the payment schedule of the loan was modified. The interest rate was increased to 7½ percent per annum, to be amortized over 15 years commencing September 1, 1969. Monthly payments were reduced to $24,378.56. On July 11, 1974, the mortgage was refinanced with a new note to the Fund from Rockwood & Co., a Hyatt-related company, as the obligor. The note was in the principal amount of $2,065,235.64 (the amount of principal which had been outstanding immediately prior to the refinancing) with increased interest at 8½ percent per annum; providing for monthly payments of $17,922.59 commencing August 1, 1974 and a new maturity date of July 1, 1994. In connection with this refinancing, Hyatt guaranteed the loan. The guaranty provided that Hyatt would be released from liability in the event the property was sold to a third party having a net worth of $10,000,000 or more.

As of January 30, 1976, Dallas Hotel, Inc. (DHI) purchased the motor hotel (subject to the Fund loan) from Hyatt for $2,202,238.36, on behalf of a limited partnership, Dallas Hotel Associates, of which DHI was the general partner. Because neither DHI nor Dallas Hotel Associates had a net worth of $10,000,000 or more, Hyatt remained liable on its guaranty on the loan.

Mr. Palmieri and Mr. Corbell are each limited partners in Dallas Hotel Associates, a California limited partnership, and have made capital contributions of 5 percent and 15 percent, respectively, of the amounts contributed by the limited partners to the partnership. Mr. Corbell also owns 58 percent of the outstanding stock of Holders' Capital Corporation, a California corporation which owns 100 percent of the stock of DHI, the general partner of the Dallas Hotel Associates limited partnership.[1] The remaining interests in Holders' Capital Corporation and in the Dallas Hotel Associates limited partnership are owned by parties unrelated to VPCO, Mr. Palmieri or Mr. Corbell.

Mr. Victor Palmieri is the Chairman of the Board, the Chief Executive Officer, and the Chief Financial Officer of VPCO. He is also the sole stockholder of VPCO. Mr. Brian Corbell is the Executive Vice President for Hotels of the Penn Central Division of VPCO.

Neither Mr. Palmieri nor Mr. Corbell will be involved in the day to day activities of VPCO with respect to the Fund. However, Mr. Palmieri, as Chairman of the seven-member VPCO Board of Directors, may, from time to time, be involved in decisions affecting VPCO's performance of its obligations under its June 30 contracts with the Fund.

As of May 31, 1977, the loan secured by the hotel property had been paid down to $1,934,923.42. The loan payments remain current and there has been no delinquency since the property was sold to DHI in 1976.

In 1963, when the loan was first made to Dallas Cabana, Inc., neither the applicants nor any related party had an interest in such loan. Similarly, in 1969, when Hyatt acquired the hotel property, no such party held an interest in the loan. Moreover, at the time DHI purchased the hotel in 1976, neither VPCO, Mr. Palmieri, nor Mr. Corbell was a party in interest or disqualified person with respect to the Fund.

The applicants have requested an exemption for the continuation and modification of the loan. The exemption, as proposed, would exempt only the continuation of the loan in accordance with its existing terms. The Agencies have not proposed an exemption for the modification transaction as it relates to a hypothetical situation.

Several measures will be adopted to protect the Fund in connection with the continuance of the loan. Although the Dallas hotel is located west of the Mississippi River and the loan, therefore, would ordinarily be among the real estate-related assets allocated for management to VPCO under the agreements, VPCO will seek reallocation of this asset to Equitable. Thus, pursuant to the agreements, Equitable will have the exclusive investment management authority and responsibility for the asset and any transaction which involves the loan would have to be negotiated with Equitable acting on behalf of the Fund.

VPCO has no authority to supervise or control Equitable, or to remove Equitable as an investment manager or named fiduciary; this authority is reserved for the Fund's trustees. During the first five years of the new investment management arrangements, Equitable can only be removed as an investment manager or named fiduciary by the trustees "for cause" and with the consent of the Secretary of Labor. *Pending Exemption.* Based on the application described herein, the Agencies have under consideration the granting of an exemption, effective the date of the closing pursuant to the agreements, under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722, so that the restrictions of sections 406(a)(1) (B) and (D) of the Act and the taxes imposed under sections 4975 (a) and (b) of the Code by reason of sections 4975(c)(1) (B) and (D) of the Code, shall not apply to the continuation of the loan hereinabove described from the Fund in accordance with its existing terms.

The pending exemptions, if granted, will be subject to the express condition that the material facts and representations contained in the applications are true and complete.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transactions provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan participants and beneficiaries and in a prudent

[1] Under the Dallas Hotel Associates limited partnership agreement, the general partner receives no return from partnership operations until each limited partner has recovered his investment. Thereafter, the general partner is entitled to 50 percent of profits and the remaining 50 percent of profits is distributable to the limited partners in accordance with their respective percentages of the limited partners' capital contributions to the limited partnership.

fashion in accordance with section 404 (a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemptions, if granted, will not extend to transactions prohibited under section 406(b) of the Act and sections 4975 (c)(1) (E) and (F) of the Code.

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Agencies must find that the exemption is administratively feasible, in the interest of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan; and

(4) The pending exemptions, if granted, are supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

(5) All interested persons are invited to submit written comments on the pending exemptions contained herein to the address and within the time period set forth above. The applications for exemption referred to herein and all comments relating thereto will be open to public inspection at the addresses set forth above.

Signed at Washington, D.C., this 21st day of September, 1977.

J. VERNON BALLARD,
Deputy Administrator, Pension and Welfare Benefit Programs, Department of Labor.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

[FR Doc.77-28014 Filed 9-22-77;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Appointment of Members

This is to announce the appointment of members to the National Advisory Committee on Occupational Safety and Health, established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The Membership of the Committee and the categories represented are as follows:

PUBLIC

Nicholas A. Ashford, Center for Policy Alternatives, Building E40-250, Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139.

Eugene W. Fowingle, Commissioner of Public Health, State of Tennessee, 344 Cordell Hull Building, 456 Sixth Avenue North, Nashville, Tenn. 37219.

Andrea Hricko, Health Coordinator, Labor Occupational Health Program, Institute of Industrial Relations, 2521 Channing Way, Berkeley, Calif. 94720.

Roger H. Wingate, Senior Vice President, Liberty Mutual Insurance Co., 175 Berkeley Street, Boston, Mass. 02117.

MANAGEMENT

Ernest M. Dixon, Corporate Medical Director, Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.

Paul Kotin, Senior Vice President, Health, Safety and Environment, Johns Manville Corp., Greenville Plaza, Denver, Colo. 80217.

LABOR

John J. Sheehan, Legislative Director, United Steelworkers of America, Suite No. 706, 815 16th Street NW., Washington, D.C. 20006.

George H. R. Taylor, Executive Secretary, AFL-CIO Standing Committee on Occupational Safety and Health, 815 16th Street NW., Washington, D.C. 20006.

SAFETY

Don B. Chaffin, Department of Industrial and Operations Engineering, University of Michigan, 2260 G. G. Brown Laboratory, Ann Arbor, Mich. 48109.

Ralph J. Vernon, Department of Industrial Engineering, Room 337, Zachry Building, Texas A. & M. University, College Station, Tex. 77843.

HEALTH

Marcus M. Key, School of Public Health, The University of Texas Health Science Center, Room N210, P.O. Box 20186, Houston, Tex. 77025.

Claudia Miller, Consultant, 1260 Windwood Drive, Lake Forest, Ill. 60045.

Ms. Miller, Ms. Hricko, and Messrs. Dixon, Chaffin, and Key are new members. Mr. Taylor has been reappointed. The other six members of the Committee are serving the second year of a two-year term which will expire June 30, 1978.

The members were selected on the basis of their experience and competence in the field of occupational safety and health. The six newly appointed members will serve two year terms, expiring on June 30, 1979. Mr. Nicholas Ashford will serve as the Committee Chairperson.

Signed at Washington, D.C., this 16th day of September, 1977.

RAY MARSHALL,
Secretary of Labor.

[FR Doc.77-27854 Filed 9-22-77;8:48 am]

CAST-IRON STOVES

On July 25, 1977, the International Trade Commission was unable to determine if increased imports of cast-iron stoves and parts are a substantial cause of serious injury, or the threat thereof, to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (42 FR 40264).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on cast-iron stoves. The report found as follows:

(1) The Department of Labor has received two petitions for certification of eligibility for trade adjustment assistance from workers engaged in the manufacture of cast-iron stoves and cast-iron parts of stoves since April 3, 1975, the effective date of the program. On December 30, 1976, the Department determined that employees separated from Washington Stove Works, Inc., in Everett, Wash. were eligible to apply for trade adjustment assistance. As of June 30, 1977, 93 workers had received $72,677 in the form of trade readjustment allowances supplemental to any unemployment insurance they may also have received. A second certificate was issued by the Department on June 14, 1977. Approximately 200 workers formerly employed at the Birmingham, Ala. foundry of Atlanta Stove Works are expected to apply for program benefits under this certification.

(2) One respondent to the Department of Labor's survey of producers of cast-iron stoves and parts has reported a major and continuing decline in overall employment. The remaining firms in the industry, while generally experiencing substantial cuts in the number of workers directly engaged in the manufacture of cast-iron stoves, have had considerably smaller reductions in overall plant employment in 1976. Total employment increased in the first quarter of 1977 for all but one of the reporting establishments. The potential for future layoffs in the industry is limited by the ability of the affected establishments to absorb production workers manufacturing cast-iron stoves and parts into other lines of production and the high rate of turnover that characterizes the industry.

(3) The unemployment rates in about half of the counties where cast-iron stoves are produced exceeded the national average for April, 1977. This factor limits the chances for reemployment of the separated workers.

(4) The Comprehensive Employment and Training Act (CETA) programs appear to be capable of meeting the program claims of the displaced workers. The Employment and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, phone 202-523-7665.

Signed at Washington, D.C., this 13th day of September 1977.

HOWARD D. SAMUEL,
Deputy Under Secretary, International Affairs.

[FR Doc.77-27855 Filed 9-22-77;8:45 am]

FRESH CUT FLOWERS

On August 1, 1977, the International Trade Commission determined that increased imports of fresh cut flowers are not a substantial cause of serious injury, or the threat thereof, to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (42 FR 39725).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on fresh cut flowers. The report found as follows:

(1) Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received no petitions for certification of eligibility for adjustment assistance from workers engaged in the growing of the major fresh cut flowers.

(2) Overall employment in the fresh cut flower industry has remained fairly stable between 1972 and 1976. Additionally, sales of most of the leading flowers under consideration have been stable or increased. Industry-wide employment prospects appear generally favorable.

(3) The major growing areas are located in California, Colorado, and Florida. Local unadjusted unemployment rates in California and Florida were slightly higher than the national unadjusted unemployment rate of 6.4 percent as of May 1977, making re-employment prospects for those separated workers unfavorable. Colorado, on the other hand, has an average unadjusted unemployment rate of 4.6 pecent.

(4) The Comprehensive Employment and Training Act (CETA) programs appear to be capable of meeting the needs of the displaced workers. On balance, the actual levels of enrollment in many of these programs are below the expected levels. The Emplomemt and Training Administration through the State Employment Service has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, phone 202-523-7665.

Signed at Washington, D.C., this 13th day of September 1977.

HOWARD D. SAMUEL,
Deputy Under Secretary, International Affairs.

[FR Doc.77-27856 Filed 9-22-77;8:45 am]

ACE SPORTSWEAR CO. ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm 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.

Petitioners meeting these eligibility requirements 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. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 7, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than October 7, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of September 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition no.	Articles produced
Ace Sportswear Co. (workers).	Lawrence, Mass.	Sept. 2, 1977	Aug. 31, 1977	TA-W-2,315	Men's outerwear.
Bethlehem Steel Corp. (USWA).	Sparrows Point, Md.	Aug. 29, 1977	Aug. 26, 1977	TA-W-2,316	Plate, pipe, rods, re-bars, hot and cold rolled galvanized sheet.
E&S Sportswear, Inc. (workers).	Paterson, N.J.	Sept. 1, 1977	Aug. 30, 1977	TA-W-2,317	Ladies' and juniors' coats.
Lombardi Carrier, Inc. (company).	Totowa, N.J.	Aug. 2, 1977	Aug. 18, 1977	TA-W-2,318	Transporting of printed fabrics for Jersey Dyeing Co. to their customers.
Riverside Metal Corp. (workers).	Riverside, N.J.	Sept. 1, 1977	Aug. 29, 1977	TA-W-2,319	Wire and strip copper alloys.

[FR Doc.77-27857 Filed 9-22-77;8:45 am]

[TA-W-2047]

INTERNATIONAL SHOE COMPANY SALEM, MO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2047: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 4, 1977 in response to a worker petition received on May 3, 1977 which was filed on behalf of workers and former workers producing women's dress shoes at the Salem, Mo. plant of the International Shoe Co.

The Notice of Investigation was published in the FEDERAL REGISTER on May 20, 1977 (42 FR 25942). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adujstment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average employment of production workers at the Salem plant declined 12 percent from 1974 to 1975 and increased 12 percent from 1975 to 1976.

Employment declined 6 percent in the last six months of 1976 compared to the same period of 1975, and declined 16 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of women's shoes at the Salem plant declined 24 percent in quantity from 1974 to 1975, and increased 16 percent from 1975 to 1976. Production declined 17 percent in quantity in the last six months of 1976 compared to the same period of 1975, and declined 24 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of women's and misses' nonrubber footwear, except athletic, increased, in absolute terms, from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 2.5 percent from 1975 to 1976 and declined 18.9 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratios of imports to domestic production and consumption declined from 114.1 percent and 53.3 percent, respectively, in 1975 to 106.3 percent and 51.5 percent, respectively, in 1976. The ratios of imports to domestic production and consumption increased from 111.0 percent and 52.6 percent, respectively, in the first quarter of 1976 to 119.9 percent and 54.5 percent, respectively, in the first quarter of 1977.

CONTRIBUTED IMPORTANTLY

Retail customers surveyed concerning their purchases of women's shoes shifted orders from International to imports from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Salem, Mo. plant of the International Shoe Co. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Salem, Mo. plant of the International Shoe Co. who became totally or partially separated from employment on or after July 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-27858 Filed 9-22-77;8:45 am]

[TA-W-2044]

KOHALA SUGAR CO., HAWI, ISLAND OF HAWAII, HAWAII

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on May 3, 1977 in response to a worker petition received on May 2, 1977 which was filed by the International Longshoremen's and Warehousemen's Union on behalf of workers and former workers growing and processing raw sugar at Kohala Sugar Co., Hawi, Hawaii, a subsidiary of Castle and Cooke, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on May 20, 1977 (42 FR 25941). No public hearing was requested and none was held.

During the course of the investigation, it was established that, following the closing of Kohala Sugar Co. in the fourth quarter of 1975, all employment at the firm was terminated by the end of 1975. Section 223(b)(1) of the Trade Act of 1974 states that a certification under this Section may not apply to any worker whose last total or partial separation from the firm or an appropriate subdivision of the firm occurred more than one year prior to the date of the petition.

The date of the petition in this case is April 25, 1977 and, thus, workers terminated prior to April 25, 1976 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974. The investigation is therefore terminated.

Signed at Washington, D.C. this 24th day of August 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.77-27859 Filed 9-22-77;8:45 am]

[TA-W-1963]

LANZA OF BOSTON-EAST, INC. NATICK, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1963: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 7, 1977 in response to a worker petition received on April 5, 1977 which was filed on behalf of workers and former workers producing award and cheerleader sweaters at the Natick, Massachusetts plant of Lanza of Boston-East, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19939). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lanza of Boston-East, Inc., the National Cotton Council, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criteria (1), (2), and (3) have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment declined 31 percent in 1975 compared to 1974 and 39 percent in the first 4 months of 1976 compared to the same period of 1975. Most employees were separated in May 1976 when production was terminated. Minimal employment continued until August 1976 when all employment ceased.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

All production of award and cheerleader sweaters was to customer order and specification, so production equals sales.

Sales of award and cheerleader sweaters declined 29 percent in value in 1975 compared to 1974 and increased 17 percent in the first 4 months of 1976 compared to the same period of 1975. Sales and production ceased when the company terminated production in May 1976.

INCREASED IMPORTS

Imports of women's, misses' and children's sweaters decreased in absolute

terms, from 1972 to 1973, increased from 1973 to 1974, and increased from 1974 to 1975. Imports increased 7 percent from 1975 to 1976 and decreased 33 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratios of imports to domestic production and consumption increased from 115.1 percent and 53.5 percent, respectively, in 1975 to 122.3 percent and 55.0 percent, respectively in 1976.

Imports of men's and boys' sweaters, knit cardigans and pullovers increased in absolute terms, from 1972 to 1973, decreased from 1973 to 1974, and decreased from 1974 to 1975. Imports increased 30 percent from 1975 to 1976 and 4 percent in the first quarter of 1977 compared to the first quarter of 1976. The ratios of imports to domestic production and consumption increased from 36.6 percent and 29.0 percent, respectively, in 1975 to 67.8 percent and 40.7 percent, respectively, in 1976.

Imports of award and cheerleader sweaters are not separately identified in the Tariff Schedules of the United States Annotated.

CONTRIBUTED IMPORTANTLY

Award and cheerleader sweaters are a specialty item. The consensus of the customers surveyed was that there was no import influence on the sale of this item. The majority of customers do not purchase imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with award and cheerleader sweaters produced by Lanza of Boston-East, Inc. did not contribute importantly to the decline in sales or production or to separations of workers of that firm.

Signed at Washington, D.C. this 31st day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-27860 Filed 9-22-77;8:45 am]

[TA-W-1767]

LEWIS SPORTSWEAR, INC., ATLANTIC HIGHLANDS, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1767: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 7, 1977, in response to a worker petition received on March 4, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at Lewis Sportswear Inc., Atlantic Highlands, N.J. The investigation revealed that Lewis Sportswear is associated by common management with two other firms producing ladies' coats, J. Kasliner Co. Inc. (TA-W-1765), Neptune, N.J., and Rose Coat Inc. (TA-W-1772), Neptune, N.J.

The notice of investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16200). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officials of Lewis Sportswear, customers of the manufacturer for whom the three firms performed contract work, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "constributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Workers are transferable between Lewis Sportswear and the two firms with which it is associated. Average total employment at the three companies decreased 28.1 percent from 1974 to 1975, and increased 23.8 percent from 1975 to 1976. Employment in the first quarter of 1977 decreased 39.0 percent from the same period in 1976.

Lewis Sportswear ceased operations in the last week of December 1976 and all workers were laid off.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production as measured in sales figures is distributed among Lewis Sportswear and the two companies associated with the subject firm according to centrally made management decisions. Total three-company sales in terms of units decreased 34.0 percent from 1974 to 1975, and increased 27.6 percent from 1975 to 1976. Unit sales in the first quarter of 1977 decreased 34.6 percent from the same period in 1976.

INCREASED IMPORTS

Imports of women's, misses', and children's coats and jackets fluctuated from 1972 to 1976. Imports increased 2.1 percent from 1,769,000 dozen garments in 1972 to 1,807,000 garments in 1973, decreased 18.2 percent to 1,478,000 garments in 1974, increased 2.6 percent to 1,517,000 garments in 1975, and increased 48.5 percent to 2,252,000 garments in 1976. The ratio of imports to U.S. production increased from 35.4 percent in 1975 to 52.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

Evidence developed during the Department's investigation revealed that customers, of the firms' sole manufacturer, decreased purchases of ladies' coats from that manufacturer and increased purchases of ladies' coats from 1975 to 1976. The consensus of customers surveyed was that imports have constituted an increasing share of the ladies' coats market as a whole in recent years. The loss of sales by the manufacturer caused decreases in sales and employment at Lewis Sportswear and the two companies with which it shares management since the manufacturer decreased total orders for ladies' coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' coats produced at Lewis Sportswear Inc., Atlantic Highlands, N.J., contributed importantly to the total or partial separation of the workers of that company. In accordance with the provisions of the Act, I make the following certification:

All employees of Lewis Sportswear Inc., Atlantic Highlands, N.J., who became totally or partially separated from employment on or after November 27, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of September 1977.

HARRY GRUBERT,
Director, Office of Foreign, Economic Research.

[FR Doc.77-27861 Filed 9-22-77;8:45 am]

[TA-W-2111]

MICHAEL BERKOWITZ CO., INC. FROSTBURG, MD.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2111: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 31, 1977, in response to a worker petition received on May 31, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and ladies' sleepwear at the Frostburg, Md., plant of the Michael Berkowitz Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on June

17, 1977 (42 FR 30939). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Michael Berkowitz Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm, or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations

Employment of production workers at the Frostburg, Md., plant of the Michael Berkowitz Co., Inc., increased 4.2 percent in 1975 compared to 1974 and declined 7.1 percent in 1976 compared to 1975. Plant employment declined 1.1 percent in the first quarter of 1977 compared to the first quarter of 1976.

Average weekly hours per worker declined 9.4 percent in 1975 compared to 1974 and declined 10.3 percent in 1976 compared to 1975.

Sales or Production, or Both, Have Decreased Absolutely

Company sales of men's sleepwear declined 4.0 percent in 1975 compared to 1974 and declined 6.7 percent in 1976 compared to 1975. Company sales of men's sleepwear declined 34.2 percent in the first quarter of 1977 compared to the first quarter of 1976.

Company sales of ladies' sleepwear increased 13.5 percent in 1975 compared to 1974 and declined 16.6 percent in 1976 compared to 1975. Company sales of ladies' sleepwear declined 19.1 percent in the first quarter of 1977 compared to the first quarter of 1976.

Increased Imports

U.S. imports of men's and boys' woven sleepwear declined from 815.0 thousand dozen in 1972 to 478.6 thousand dozen and 357.4 thousand dozen, respectively, in 1973 and 1974. Imports of men's and boys' woven sleepwear increased to 415.2 thousand dozen and 457.0 thousand dozen, respectively, in 1975 and 1976.

The ratio of imported men's and boys' woven sleepwear to domestic production declined from 27.2 percent in 1972 to 17.0 percent and 13.8 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production increased to 17.9 percent and 18.1 percent, respectively, in 1975 and 1976.

U.S. imports of men's and boys' knit sleepwear declined from 58.4 thousand dozen in 1972 to 21.8 thousand dozen, 11.9 thousand dozen and 2.3 thousand dozen, respectively, in 1973, 1974 and 1975 before increasing to 50.3 thousand dozen in 1976.

The ratio of imported men's and boys' knit sleepwear to domestic production declined from 13.0 percent in 1972 to 4.6 percent, 2.4 percent and 0.4 percent, respectively, in 1973, 1974 and 1975 before increasing to 7.9 percent in 1976.

U.S. imports of women's, misses', and juniors' noncotton nightwear, excluding sets with robes, declined from 595 thousand dozen in 1971 to 270 thousand dozen and 265 thousand dozen, respectively, in 1972 and 1973. U.S. imports increased to 270 thousand dozen in 1974 before declining to 93 thousand dozen in 1975. U.S. imports increased to 140 thousand dozen in 1976.

The ratio of imports to domestic production of women's, misses', and juniors' noncotton nightwear, excluding sets with robes, declined from 6.9 percent in 1971 to 2.9 percent in 1972 before increasing to 3.0 percent in 1973. The ratio of imports to domestic production declined to 2.9 percent and 1.0 percent, respectively, in 1974 and 1975.

Contributed Importantly

The customer that purchases nearly all of the men's and ladies' sleepwear produced at the Frostburg, Md., plant of the Michael Berkowitz Co., Inc., indicated that it increased purchases of imported men's and ladies' sleepwear while decreasing purchases from the Michael Berkowitz Co., Inc., due to price considerations.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and ladies' sleepwear produced at the Frostburg, Md., plant of the Michael Berkowitz Co., Inc., contributed importantly to the total or partial separation of the workers of that plant.

In accordance with the provisions of the Act, I make the following certification:

All employees at the Frostburg, Md., plant of the Michael Berkowitz Co., Inc., who became totally or partially separated from employment on or after May 2, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 8th day of September 1977.

Harry Grubert,
Director, Office of Foreign Economic Research.

[FR Doc.77-27862 Filed 9-22-77;8:45 am]

[TA-W-1955]

THE VENDO CO., KANSAS CITY, MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1955: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 4, 1977 in response to a worker petition received on April 1, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing vending machines at the Kansas City, Mo. plant of the Vendo Co.

The Notice of Investigation was published in the Federal Register on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Vendo Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Department's investigation revealed that production of vending machines at the Kansas City, Mo. plant of the Vendo Co. increased in quantity and value 61 percent and 68 percent, respectively, from 1975 to 1976 and 42 percent and 68 percent, respectively, in the first quarter of 1977 compared to the like period of 1976. All production ceased when the plant closed in May 1977.

The petition alleges that jobs were lost at the Kansas City, Mo. plant of the Vendo Co. due to a company switch from vending machine parts produced in Kansas City to imported vending machine parts. The investigation revealed that in May 1977, as a result of a man-

agement decision to conduct a company-wide reorganization and consolidation, Vendo's Kansas City plant was closed. Production from the Kansas City plant was transferred to existing Vendo Co. facilities in Pinedale, Calif. and a new company plant in Corinth, Miss. To facilitate this reorganization Vendo began contracting with a domestic firm in the third quarter of 1976 to produce components of vending machines that had been produced at Vendo's Kansas City plant. This domestic firm contracts a portion of these components to be produced in Mexico. Vendo does not import any components directly.

Most customers of the Vendo Co. who were surveyed had not decreased purchases from Vendo from 1975 to 1976 or in the first quarter of 1977 compared to the like period in 1976. Vendo's sales increased from 1975 to 1976. Those customers who had decreased purchases from Vendo did not import any vending machines or parts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with vending machines and parts produced at the Kansas City, Mo. plant of the Vendo Co. did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C. this 31st day of August 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-27863 Filed 9-22-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Endowment for the Arts will be held on October 14, 1977, from 9:30 to 4:30 p.m., in Room 1125, Columbia Plaza Building, 2401 E Street, NW., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. Accommodations are limited. Interested persons may submit written statements to the panel.

The agenda for this meeting will include a discussion on graphic materials of the Navy.

Further information with reference to this meeting can be obtained from Mr. Jerome Perlmutter, Coordinator of Federal Graphics, Mail Stop 503, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-4276.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

SEPTEMBER 16, 1977.

[FR Doc.77-27775 Filed 9-22-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COUNCIL STEERING COMMITTEE

Postponement of Meeting

The Steering Committee of the NSF Advisory Council scheduled at meeting for September 30, 1977, in Washington, D.C. The meeting has been postponed until October 11 and will be held in Room 536 instead of Room 321. There are no other changes to the meeting notice. For further information, please call Margaret Windus, 632-4384.

This notice appeared in the FEDERAL REGISTER on September 13, 1977, page 45975, FR Doc. 77-26551.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 19, 1977.

[FR Doc.77-27749 Filed 9-22-77;8:45 am]

ADVISORY PANEL FOR NEUROBIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Neurobiology.

Date and time: October 12, 13 and 14, 1977—8:30 a.m. each day.

Place: Room 1224, National Science Foundation, 1800 G Street NW., Washington, D.C.

Type of meeting: Closed.

Contact person: Dr. Janett Trubatch, Program Director, Neurobiology Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202-634-4036.

Purpose of panel: To provide advice and recommendations concerning support for research in neurobiology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 19, 1977.

[FR Doc.77-27750 Filed 9-22-77;8:45 am]

RESOURCE CENTER FOR SCIENCE AND ENGINEERING PROGRAM

Availability of Guidelines for Preparing a Proposal for FY 1978

Attention is called to pages H7405-H7408 of the July 30, 1977 Congressional Record containing the Report of the Conference Committee on the FY 1978 National Science Foundation Authorization Act. The Conference Report provides guidance for the formulation of the Resource Center for Science and Engineering program (RCSE) authorized for FY 1978.

This law does not authorize support in FY 1978 of pilot projects as contemplated in the FY 1977 Minority Centers for Graduate Education program guide (NSF SE77-36). Accordingly, this may significantly impact upon the development of proposals for establishing a Center.

The guidelines for preparing a proposal for the FY 1978 RCSE program will be available in late fall and may be obtained by requesting brochure SE78-36 from:

Central Processing Section, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

TERENCE L. PORTER,
Deputy Division Director, Science Education Resources Improvement.

SEPTEMBER 19, 1977.

[FR Doc.77-27748 Filed 9-22-77;8:45 am]

ADVISORY PANEL FOR METABOLIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Metabolic Biology.

DATE AND TIME: October 13 and 14, 1977, 9 a.m. each day.

PLACE: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Elijah B. Romanoff, Program Director for Metabolic Biology, Room 331, National Science Foundation, Washington, D.C. 20550, Telephone 202-632-4312.

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in metabolic biology.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 20, 1977.

[FR Doc.77-27891 Filed 9-22-77;8:45 am]

ADVISORY PANEL FOR MOLECULAR BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Molecular Biology, Sub-Panel A.

DATE AND TIME: October 13 and 14, 1977, 9 a.m. to 6 p.m.

PLACE: Room 338, National Science Foundation.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Frederick I. Tsuji, Program Director for Biochemistry, Room 329, National Science Foundation, Washington, D.C. 20550, telephone number 202-632-4260.

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in molecular biology.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 20, 1977.

[FR Doc.77-27889 Filed 9-22-77;8:45 am]

PROJECT DIRECTORS' MEETING

Information Dissemination for Science Education (IDSE)

A project directors' meeting will be held from 2 p.m. to 5:30 p.m. on October 13, 1977, and from 8:30 a.m. to 5 p.m. on October 14, 1977, at the Sheraton Park Hotel, 2660 Woodley Road NW., Washington, D.C.

The purpose of this meeting is to give project directors of the Information Dissemination for Science Education program an opportunity to become better informed regarding appropriate methods for conducting internal project evaluation and to allow the IDSE staff to set into motion mechanisms for monitoring of projects.

While this project directors' meeting is not considered to be a meeting of an "advisory committee" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92-463) the meetings are believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as meetings open for public attendance and participation.

The meeting will be chaired by Dr. Charles W. Wallace. Because of space limitation, members of the public who wish to attend should call 202-282-7950 regarding attendance at any of these meetings.

TERENCE L. PORTER,
Acting Division Director, Division of Science Education Resource Improvement.

SEPTEMBER 20, 1977.

AGENDA—DIRECTORS' MEETING, INFORMATION DISSEMINATION FOR SCIENCE EDUCATION (IDSE) PROGRAM, OCTOBER 13-14, 1977, SHERATON-PARK HOTEL, 2660 WOODLEY ROAD NW., WASHINGTON, D.C. 20008

THURSDAY, OCTOBER 13TH

2 p.m.—Registration begins.
3 p.m.—Introduction and welcoming remarks, C. W. Wallace.
3:10 p.m.—Pre-college science education, Dr. F. James Rutherford, Special Assistant to the Director.
4:15 p.m.—IDSE in relation to other programs of the Science Education Resources Improvement (SERI) Division, Dr. Walter L. Gillespie, Division Director, SERI.
5:30 p.m.—Adjournment.

FRIDAY, OCTOBER 14TH

8:30-10 a.m.—Discussion of operation of IDSE awards. Grant administration and role of the project director.
10-10:30 a.m.—Coffee.
10:30-12 noon—Project monitoring, project evaluation, and reporting.
12-1 p.m.—Lunch break.
1-3 p.m.—Discussion of the 17 IDSE projects.
3-3:30 p.m.—Coffee.
3:30-5 p.m.—Meeting summary and closing remarks.

[FR Doc.77-27890 Filed 9-22-77;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 16, 1977 (44 U.S.C. 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

Health Care Financing Administration, utilization review survey report crucial data extract (medicare), HCFA-1538 E, annually, hospitals (accredited and nonaccredited), David P. Caywood, Warren H. Topelius, 395-3443.

COMMUNITY SERVICES ADMINISTRATION

Application for recognition of a CAA—Local Civil Service Certification, CAP form 373, on occasion, grantees, Warren H. Topelius, 395-5872.

Application for recognition of a CAA—Notice to Political Subdivision, CSA Form 374, on occasion, grantees, Warren H. Topelius, 395-5872.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Applications for Special Age-72-or-Over Monthly Payments, SSA-19, on occasion, individuals who are eligible for regular social security monthly benefits, Arnold Strasser, 395-5867.

GENERAL SERVICES ADMINISTRATION

Contractor's Report of Orders Received, GSA form 72, monthly, private business firms, Warren Topelius, 395-5872.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, participation and coupon issuance—food stamp program, FNS-256, monthly, food stamp project areas, David P. Caywood, 395-3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-27940 Filed 9-22-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 09/09-0208]

AMERICAN BUSINESS VENTURE CORP.

Application for a License to Operate As a Small Business Investment Company

An application for a license to operate as a small business investment company

(SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 et seq.), has been filed by American Business Venture Corporation (the Applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.201 (1977).

The proposed officers, directors and principal stockholders of common stock are:

Gerald S. Dalton, 2154 N. Villa Heights Rd., Pasadena, Calif. 91107, President, Manager and Director, 10 percent.

Henry S. Hendler, 7135 Hollywood Blvd., Los Angeles, Calif. 90046, Vice President, Director, 45 percent.

Jack M. Hendler, 4101 Longridge Ave., Sherman Oaks, Calif. 91423, Secretary, Chief, Financial Officer and Director, 45 percent.

The Applicant is a California corporation with plans to locate the principal office at 7135 Hollywood Boulevard, Los Angeles, Calif. 90046. However, no state or regional limitations on operations are contemplated. The investment policy of the Applicant is to provide working capital to operative builders by either making loans and/or purchasing equity securities.

The Applicant will begin operations with an initial capitalization of $1 million. On August 3, 1977, the SBA Administrator established a policy of granting exemptions on a case by case basis from Section 107.101(c)(2) of the Regulations governing SBICs. This Section states "Where a Licensee does not operate as an approved real estate specialist subject to paragraph (c)(3) of this section, its investments in Small Concerns classified under Major Groups 15, 65 and/or 70 of the SIC Manual shall not exceed one-third of its Portfolio in any one such Major Group, nor two-thirds for any combination of such Major Groups, as of the close of any full fiscal year." These exemptions will allow an SBIC to invest up to 100 percent of their portfolio in Major Group 15. This policy change was due to the continuing need for front end development capital in the homebuilding field, particularly among small homebuilders. The Applicant requested that SBA grant an exemption to the percent limitation on the investments of the Applicant in Major Group 15 and Industry Numbers 6531, 6541, and 6552 of the Standard Industrial Classification Manual imposed under Section 107.101(c)(1) and (2) of the SBA Rules and Regulations. SBA will consider granting the exemption for Major Group 15 only because the policy change relates solely to this Major Group. It is the intention of the Applicant that such exemption will in no way preclude it from making lawful investments in other eligible small business concerns.

Matters involved in SBA's consideration of the application, in view of the particular circumstances involved, include (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purposes of the Act.

Notice is hereby given that any person may, not later than October 11, 1977, submit to SBA in writing comments on the proposed SBIC to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Los Angeles, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-27785 Filed 9-22-77;8:45 am]

[Declaration of Disaster Loan Area No. 1276; Amdt. 2]

CALIFORNIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 41 FR 44080 and 41 FR 45923), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on March 31, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 12, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-27778 Filed 9-22-77;8:45 am]

[Declaration of Disaster Loan Area No. 1354; Amdt. 1]

CALIFORNIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 40802), is amended by extending the filing date for physical damage until the close of business on November 30, 1977, and for economic injury until the close of business on June 30, 1978.

Dated: September 12, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-27779 Filed 9-22-77;8:45 am]

[Declaration of Disaster Loan Area No. 1350; Amdt. 1]

GEORGIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 F.R. 39285) is amended by adding the following counties:

Catoosa	Pickens
Chattooga	Polk
Dade	Rabun
Fannin	Towns
Floyd	Walker
Gilmer	Whitfield
Gordon	Union
Murray	

and adjacent counties within the State of Georgia, and the time for filing applications is extended to December 30, 1977 for physical damage and July 31, 1978, for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 12, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-27780 Filed 9-22-77;8:45 am]

[Declaration of Disaster Loan Area No. 1369]

IOWA

Declaration of Disaster Loan Area

Linn and Marshall counties and adjacent counties within the State of Iowa, constitute a disaster area as a result of damage caused by high winds, heavy rains, hail, tornadoes and flooding which occurred on August 15, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 11, 1977, and for economic injury until the close of business on June 12, 1978, at:

Small Business Administration, District Office, 210 Walnut St., Des Moines, Iowa 50309.

or other locally announced locations.

(Catalog of federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 12, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-27781 Filed 9-22-77;8:45 am]

[Declaration of Disaster Loan Area No. 1342; amdt. 1]

MAINE

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 31855), is amended by extending the filing date for physical damage until the close of business on November 11, 1977, and for economic injury until the close of business on March 13, 1978.

Dated: September 8, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-27782 Filed 9-22-77;8:45 am]

[Declaration of Disaster Loan Area No. 1334; amdt. 1]

MAINE

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 27080), is amended by extending the filing date for physical damage until the close of business on November 11, 1977, and for economic injury until the close of business on March 13, 1978.

Dated: September 8, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-27783 Filed 9-22-77;8:45 am]

[Declaration of Disaster Loan Area No. 1275; amdt. 1]

MAINE

Declaration of Disaster Loan Area

The above numbered Declaration (see 41 FR 41175), is amended by extending the filing date for physical damage until the close of business on November 11, 1977, and for economic injury until the close of business on March 13, 1978.

Dated: September 8, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-27784 Filed 9-22-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 41 (Rev. 7)]

FISCAL MANAGEMENT OFFICER ET AL.

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to determine the need for imprest funds to be used for making small cash purchases and the locations at which such imprest funds are required; to request the designation of officers and employees to serve as cashiers with authority to hold cash for the making of small cash purchases; to request the revocation of such designations; and to request the amount of advance to be carried by each such cashier is being delegated to the officers of the Internal Revenue Service as specified in the delegation order. The text of the delegation order appears below.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Stephen Holst, A:F:S, 1111 Constitution Avenue NW., Room 3333, Washington, D.C. 20224 (202-566-4851, not toll free).

CHARLES H. JENKINS,
Chief, Financial Systems Branch.

[Order No. 41 (Rev. 7)]

DESIGNATION OF CASHIERS TO HOLD CASH FOR THE MAKING OF SMALL CASH PURCHASES

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 152 (Revised), dated October 15, 1959, there is hereby delegated to the officials named below the authority to determine the need for imprest funds to be used for making small cash purchases and the locations at which such imprest funds are required; to request the designation of officers and employees to serve as cashiers with authority to hold cash for the making of small cash purchases; to request the revocation of such designations; and to request the amount of advance to be carried by each such cashier:

Fiscal Management Officer.
Assistant Fiscal Management Officer.
Chief, Financial Operations Branch, Fiscal Management Division.
Chief, Accounting Section, Fiscal Management Division.
Regional Commissioners.
Assistant Regional Commissioners (Administration).
Chiefs, Fiscal Management Branches.
Chiefs, Fiscal Sections, Fiscal Management Branches.

The authority delegated herein may not be redelegated.

This order supersedes Delegation Order No. 41 (Rev. 6), issued January 20, 1976.

Dated and effective date: September 23, 1977.

JEROME KURTZ,
Commissioner.

SEPTEMBER 12, 1977.

[FR Doc.77-27879 Filed 9-22-77;8:45 am]

Office of Foreign Assets Control

IMPORTATION FROM EUROPEAN COMMUNITIES OF FERROCHROMIUM AND CHROMIUM-BEARING STEEL MILL PRODUCTS UNDER RHODESIAN SANCTIONS REGULATIONS

Availability of Special Certificates for Imports from France, Netherlands, Belgium and Luxembourg

Special certificates issued under the Certification Agreement between the United States and the Commission of the European Communities are available as of September 10, 1977 for imports from France, the Netherlands, Belgium and Luxembourg of ferrochromium and chromium-bearing steel mill products. Materials shipped after September 23, 1977, may only be imported if a special certificate is presented to Customs at the time of entry.

Imports of certifiable materials shipped prior to the publication date of this notice may continue to be made under the interim certificates. However, the entry will not be liquidated until the importer presents a special certificate. Such certificate must be obtained from the producer and filed by the importer on or before September 18, to complete liquidation.

Dated: September, 1977.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:

BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-27822 Filed 9-20-77;2:52 pm]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on October 20 and 21, 1977, of the following debt management advisory committees:

American Bankers Association Government Borrowing Committee
Public Securities Association U.S. Government and Federal Agencies Securities Committee.

The agenda for the meetings provides for working sessions by two committees on October 20, a report to the Secretary of the Treasury and Treasury staff by the American Bankers Association Government Borrowing Committee on October 20 and a report to the Secretary of the Treasury and Treasury staff by the Public Securities Association U.S. Government and Federal Agencies Securities Committee on October 21.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: September 20, 1977.

ANTHONY M. SOLOMON,
Under Secretary for Monetary Affairs.

[FR Doc.77-27880 Filed 9-22-77;8:45 am]

VETERANS ADMINISTRATION

[341/000]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

SEPTEMBER 19, 1977.

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 12, 1977, at 10:00 a.m., the Salt Lake City Regional Office Station Committee on Educational Allowances shall at Room 5001, 125 South State Street, Salt Lake City, Utah 84138, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Alpine Aviation Inc., P.O. Box 691, Provo, Utah 84601, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

H. REED BLACK,
Assistant Director.

[FR Doc.77-27921 Filed 9-22-77;8:45 am]

WATER RESOURCES COUNCIL

LEVEL A FRAMEWORK STUDIES AND ASSESSMENTS; LEVEL B REGIONAL OR RIVER BASIN PLANS; COMPREHENSIVE COORDINATED JOINT PLANS AND SPECIAL STUDIES

Policy Statement No. 2 (Revised) and Procedures for Preparation and Incorporation of Environmental Impact Statements in Reports

AGENCY: Water Resources Council.

ACTION: Proposed procedures.

SUMMARY: A revised policy statement and procedures for preparation and incorporation of environmental impact statements in reports have been prepared to establish Water Resources Council policy and procedures for implementing the National Environmental Policy Act of 1969 (Public L. 91-190) and Executive Order 11514. The policy and procedures apply to programs administered by the Water Resources Council and River Basin Commissions.

The Water Resources Council has adopted the long term goal of integrating to the fullest extent practicable, the processes of the National Environmental Policy Act (NEPA) and the Principles and Standards for Planning Water and Related Land Resources (P&S). This will be accomplished by merging (1) appropriate elements of the environmental assessment or when required, the Environmental Impact Statement with (2) the study of assessment report or plan into a single document that will comply fully with the requirements of both processes. The policy and procedures contained herein shall apply to both the Water Resources Council and the River Basin Commissions established under Title II, Pub. L. 89-80.

DATE: Comments must be received on or before October 31, 1977.

ADDRESS: Comments should be addressed to the Director, Water Resources Council, 2120 L Street NW., Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT:

Charles Meyers, Water Resources Council, 2120 L Street NW., Washington, D.C. 20037 (202-254-6352).

SEPTEMBER 15, 1977.

GUY R. MARTIN,
Alternate to the Chairman.

POLICY STATEMENT NO. 2 (REVISED)

ENVIRONMENTAL IMPACT STATEMENTS FOR FRAMEWORK STUDIES AND ASSESSMENTS, REGIONAL OR RIVER BASIN PLANS, COMPREHENSIVE COORDINATED JOINT PLANS, AND SPECIAL STUDIES

I. *Purpose.* This statement sets forth the policy of the Water Resources Council (WRC) regarding the implementation of the National Environmental Policy Act (NEPA) of 1969 (Pub. L. 91-190) and its relationship to the P&S as used in water resource framework studies and assessment (Level A), regional or river basin plans (Level B), comprehensive coordinated joint plans (CCJP's), and special studies carried out by or through the WRC. It provides policy for the preparation and incorportation of Environmental Impact Statements in WRC and RBC reports on major Federal actions significantly affecting the quality of the environment as required by Section 102(2)(C) of Pub. L. 91-190.

II. *Scope*—(a) *Environment.* As used in this document, environment is the sum of natural, physical, and human conditions including: (1) The complex of air, land, and water resources and climatic, edpahic, and biotic factors that act upon an organism or an ecological community and ultimately determine its form and survival, and (2) the aggregate of conditions that influence the health, well-being, and viability of an individual, a community, or communities in a larger geographic region.

(b) *Environment Assessment (EA).* An evaluation of and an appropriate and careful consideration and communication of the significant potential impacts of a proposed action. It is an integral part of the planning process which encompasses both NEPA and P&S and provides a range of pertinent environmental data.

(c) *Environmental Impact Statement (EIS).* Documentation pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 which describes the impacts of and is incorporated in reports on major Federal actions which significantly affect the quality of the environment.

III. *Policy*—(a) *General.* The WRC and the RBC's administer certain programs that must comply with NEPA and the P&S. The requirements of NEPA and the P&S will be carried out by integrating the two processes to the fullest extent practicable and merging (1) appropriate elements of the EA or when required, EIS with (2) each study or assessment report or plan into a single document that will comply fully with the requirements of both processes.

(b) *Responsible Federal Officials (RFO's).* The Chairman of the WRC, or an appropriate designee, is the RFO for complying with the provisions of NEPA and the P&S for framework studies and assessments, regional or river basin plans, comprehensive coordinated joint plans, and special studies funded by the WRC and carried out by WRC interagency committees and WRC coordinating committees. The Chairmen of the RBC's are the RFO's for complying with the provisions of NEPA and the P&S for activities funded through the WRC and carried out by the RBC's.

(c) *EA requirement.* All studies, assessments, and planning efforts will incorporate EA into the planning process. EA will provide the basis for determining the need to prepare an EIS and for formulating alternatives for decisionmaking on the use and development of resources.

(d) *EIS requirement.* Studies, assessment, or planning efforts which result in the preparation of an agree-to or recommended plan which constitutes a major Federal action or actions that will generate significant effects on the quality of the environment will require the incorporation of an EIS. Studies, assessments, or planning efforts which result only in the development and presentation of alternatives may not require the incorporation of an EIS. The appropriate RFO will determine the need for incorporating an EIS on an individual case basis and will prepare a written statement of findings which includes the rationale for, and documents, the decision made.

When an EIS is required, it will be incorporated in the report to the fullest extent practicable in full compliance with both NEPA and the P&S. The combined document will be subject to the notification, circulation, review and comment process for EIS's as specified in the Council on Environmental Quality (CEQ) Guidelines. When an EIS is not required, appropriate elements of the EA will be incorporated in the report.

(e) *Liaison with CEQ.* The Chairman of the WRC or an appropriate designee will maintain liaison with CEQ to ensure that WRC policies and procedures relating to NEPA conform with CEQ policies and procedures.

(f) *Public participation.* The RFO will establish a program providing for full public participation of all interests in the interrelated Environmental Assessment and planning process. A reviewable record of public involvement will be maintained.

PROCEDURES FOR PREPARATION AND INCORPORATION OF ENVIRONMENTAL IMPACT STATEMENTS IN REPORTS FOR FRAMEWORK STUDIES AND ASSESSMENTS, REGIONAL OR RIVER BASIN PLANS, COMPREHENSIVE COORDINATED JOINT PLANS, AND SPECIAL STUDIES

I. *Purpose.* These procedures are for implementing the policy of the Water Resources Council (WRC) for the preparation, incorporation in reports, coordination, and review of Environmental Impact Statements (EIS's) as required by Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (Pub.L. 91–190), as amended, 83 Stat. 852 (42 U.S.C. 4321 et seq.)). They are consistent with Executive Order 11514, dated March 5, 1970, as revised by Executive Order 11991 dated May 24, 1977, and the Council on Environmental Quality Guidelines for Preparation of Environmental Impact Statements, 40 CFR Part 1500.

II. *Applicability.* These procedures apply to framework studies and assessments, regional or river basin plans, comprehensive coordinated joint plans (CCJP's), and special studies prepared or revised by all WRC entities including river basin commissions, (RBC's), interagency committees, and WRC coordinating committees.

III. *Policy.* The WPC and RBC's administer programs in accordance with the National Environmental Policy Act of 1969 and the Principles and Standards for Planning Water and Related Land Resources (P&S). Policy for the preparation and incorporation of EIS's in report is contained in Policy Statement No. 2 (Revised).

The following procedures are to be used in implementing NEPA in applicable WRC and RBC programs. (For the purpose of interpreting these procedures all use of the term "environment" is in reference to the definition in the policy statement. The requirements of NEPA and the Principles and Standards for Planning Water and Related Land Resources (P&S) will be carried out by integrating the two processes to the fullest extent practicable and merging (1) appropriate elements of the Environmental Assessment or when required, the EIS with (2) the study or assessment report or plan into a single document that complies fully with the requirements of both processes.

IV. *Procedures*—(a) *Environmental assessment in the planning process.* Environmental Assessment (EA) will commence with initial planning efforts and continue throughout the planning process. Factors to be considered in the EA depend upon the existing resources, present and anticipated resource use, and problems associated with these uses. The scope and detail of the EA should reflect the planning objectives and the level of planning. It will cover the requirements of both NEPA and P&S. It utilizes the P&S system of accounts supplemented by NEPA. The interrelated EA and planning elements are as follows:

(1) Identify the study needs and planning objectives. The environmental quality objectives are considered on a coequal basis with the national economic development objectives.

(2) Inventory and objectively evaluate the resource base giving due consideration to existing and potential uses.

(3) Formulate alternative plans and display impacts.

(4) Analyze and compare alternative plans.

(b) *Obtaining information during EA.* WRC and RBC's will make use of available data, reports, plans, and publications which relate to the environmental issues involved. Additional studies which are necessary to produce needed environmental data will be undertaken as appropriate for the level of planning involved. If appropriate, WRC and RBC's may enter into contracts or other arrangements with qualified organizations or individuals to produce needed environmental information and analysis. However, the responsible Federal official (RFO) remains responsible for decisions based upon the EA.

(c) *Public involvement.* Public involvement begins with the initial steps of the EA and planning process. The interested public consisting of, but not limited to individuals, groups, organizations, and all levels of governmental agencies, are to be provided a full opportunity and encouraged to participate and contribute in the interrelated EA and planning process. A reviewable record of public involvement will be maintained. The appropriate RFO will consult with the participating public(s) and will determine when public meetings or hearings are to be held. Public notice of each public meeting or hearing is to be made available to the public prior to the meeting. To the extent practicable, pertinent information, including environmental data reports or other material will be made available for review sufficiently in advance of the meetings, to allow for informed comment.

(d) *WRC and RBC actions requiring incorporation of an EIS.* The appropriate RFO will detremine the need for incorporating an EIS on an individual case basis. An EIS will be prepared and incorporated in the report if the agreed-to or recommended plan (proposed action) is a major Federal action significantly affecting the quality of the environment. The EA, using a systematic interdisciplinary analysis and evaluation of data and information relating to the five elements of section 102(2)(C) of NEPA, will assist the RFO in deciding if the action will require the preparation and incorporation of an EIS. The analysis and evaluation of environmental concerns will generate questions such as the following:

(1) *Environmental impact.* To what extent will the proposed action significantly affect the quality of the environment: e.g., significantly alter or destroy valuable natural ecosystems, or cause dislocations which significantly alter human conditions?

(2) *Adverse environmental impacts which cannot be avoided.* To what extent would important environmental amenities be lost or degraded?

(3) *Alternatives.* Are there other alternatives that may achieve the same goals while avoiding or reducing adverse environmental impacts?

(4) *Short term uses versus long term productivity.* To what extent will the proposed action, when added to other actions, significantly affect the enhancement of long term productivity as a tradeoff for short term uses?

(5) *Commitment of resources.* To what extent will the proposed action irreversibly and irretrievably commit the use of resources?

If it is determined that the proposed action is a major Federal action that will generate significant effects on the quality of the environment, the appropriate RFO will prepare and incorporate an EIS in the report on the proposed action. As soon as the decision that an EIS is required is made, the RFO will provide a public notice of the decision and of the availability of the EA and a statement of findings documenting the decision.

If it is determined that the proposed action does not require an EIS the appropriate RFO will prepare a written statement of findings which includes the rationale for the negative determination analyzing the five questions above and will provide a public notice of the decision and the availability of the EA and the statement of findings documenting the decision.

(e) *Combined report (incorporating the EIS).* The report must provide a full public disclosure of the major environmental issues surrounding the recommended or agreed-to plan to ensure that environmental factors are considered in decisions pertaining to the proposed action. It must be written in clear concise language in order for it to be easily used as a tool in the decision-making process, and its content should be commensurate with the level of planning performed and the decisions made. In addition to the P&S system of accounts, the report must include (1) the identification of adverse environmental impacts, (2) alternatives to the proposed action, (3) an analysis of short term uses of the environment versus long term productivity, and (4) the identification of irreversible commitments of resources as set forth in section 102(C) of NEPA. This information should be integrated into the text of the report to the fullest extent possible.

The following information, as a minimum, will be included in the combined report but need not follow this outline:

(1) A summary of the proposed action, its impacts, and alternatives. The summary should be between one and three pages long and displayed in the front of the report.

(2) The relationship of the proposed action to land use plans, policies, and controls for the affected area.

(3) Environmental impact of the proposed action. The report should contain a brief description of the environmental impacts (primary and secondary) both within and outside the planning area that may result if the proposed action is implemented. It should clearly indicate any adverse environmental effects which cannot be avoided. It should include a discussion of the relationship of the proposed action to other Federal actions if any, which are also planned or underway in the affected area. In general, the incorporated EIS will describe the impacts of the proposed action on the environment.

(4) Alternatives to the proposed action. The report should contain an analysis and description of alternatives studied during the interrelated EA and planning process. Consideration should be given (1) to a no action alternative and (2) to alternative actions of a significantly different nature that would provide similar benefits with different environmental impacts. Environmental impacts of each alternative should be briefly described and appropriately displayed.

(5) The relationship between short term uses of the environment and the maintenance and enhancement of long term productivity. The report should analyze and describe the cumulative effects of the proposed action when added to other actions in an area or region. The long term consequences on the environment should be described. It should disclose the consequences of short term uses of the environment which subsequently may produce long term impacts. When economic considerations play a major role in selecting alternatives they must be fully explained.

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. The report should identify the extent to which the proposed action will curtail or change use and enjoyment of resources within the planning area.

(7) Consultation and review with appropriate Federal, State, and local agencies and others. The report should briefly describe the overall processes of consultation and coordination with interested agencies, groups, and individuals in deciding if the action will require the preparation and incorporation of an EIS. The analysis and evaluation of environmental concerns will generate questions such as the following:

(1) *Environmental impact.* To what extent will the proposed action significantly affect the quality of the environment: e.g., significantly alter or destroy valuable natural ecosystems, or cause dislocations which significantly alter human conditions.

(2) *Adverse environmental impacts which cannot be avoided.* To what extent would important environmental amenities be lost or degraded?

(3) *Alternatives.* Are there other alternatives that may achieve the same goals while avoiding or reducing adverse environmental impacts?

(4) *Short term uses versus long term productivity.* To what extent will the proposed action, when added to other actions, significantly affect the enhancement of long term productivity as a tradeoff for short term uses?

(5) *Commitment of resources.* To what extent will the proposed action irreversibly and irretrievably commit the use of resources?

If it is determined that the proposed action is a major Federal action that will generate significant effects on the quality of the environment, the appropriate RFO will individuals (a copy of the report incorporating the draft EIS will be sent to the appropriate official of each organization or group and each individual who has requested a copy).

The minimum time period for review shall end 45 days after the date the CEQ publishes the notice of public availability of the report incorporating the draft EIS in the FEDERAL REGISTER. The RFO may, however, extend the initial review period as deemed appropriate. A minimum 15-day extension of time for review and comment will be considered by the RFO when such requests are submitted before expiration of the initial review period. If neither comments nor a request for an extension is received at the end of the initial review period, it will be presumed that the agency or party from whom comments were requested find the statement adequate.

The RFO shall announce the availability of the report incorporating the draft EIS in appropriate media serving the area to be affected.

If significant changes in the proposed action are made as a result of comments on the report incorporating the draft EIS, a revised draft report incorporating a revised EIS may be necessary. The revised draft report incorporating the revised EIS will be recirculated for comment in the same manner as a report incorporating a draft EIS.

(2) *Reports incorporating final EIS's.* At the end of the review period for the report incorporating the draft EIS, the RFO will prepare a report incorporating the final EIS, taking into consideration comments and opposing viewpoints received. The following steps will be taken in filing and distributing reports incorporating final EIS's: (1) Letters of comment will be appended to the report incorporating the final EIS. If numerous repetitive responses are received, summaries of the repetitive comments and a list of commentators may be appended in lieu of the actual letters. (2) The RFO shall send five copies of the report incorporating the final EIS to CEQ and a copy of the report incorporating the final EIS to each State and Federal agency, organization, group, and individual who furnished comments on the report incorporating the draft EIS and/or participated in the EA and planning process.

(3) *Administrative action.* The RFO will take no administrative action in a study, assessment, or plan proposed action until a minimum of 30 days after the report incorporating the final EIS has been made available to the public and the notice of availability for the report incorporating the final EIS has been published in the FEDERAL REGISTER by CEQ. The signing of the final statement of findings by the RFO constitutes an administrative action.

(4) *Final statement of findings.* A final statement of findings is a concise rationale of the RFO for proceeding with the proposed action. It will briefly describe significant concerns that were encountered in the decisionmaking process. The final statement of findings will be prepared on proposed actions requiring an EIS after the minimum 30-day waiting period has expired following the notice of availability of the report incorporating the final EIS as published in the FEDERAL REGISTER by CEQ. For proposed actions for which it has been determined that an EIS will not be prepared, a final statement of findings will be developed to provide the rationale for proceeding. In either case, the final statement of findings will be dated, signed by the appropriate RFO, and made part of the reviewable record for the proposed action of the study or assessment report or plan.

(5) *Supplements to reports incorporating EIS's.* If the RFO determines that it is necessary to clarify or amplify a point of concern raised after the report incorporating the final EIS is filed with CEQ, appropriate clarification or amplification will be sent to CEQ with informational copies furnished to those who received copies of the report incorporating the final EIS. Waiting periods are not necessary, but may be provided at the discretion of the RFO.

If the RFO determines that the report incorporating the final EIS previously filed has become inadequate due to a major change which significantly affects the quality of the environment, a report incorporating a new EIS will be prepared, filed, and distributed according to the proceedings stated in (f)–(1), (2), (3), and (4).

(6) *Expedited procedures.* When unusual circumstances make it necessary to take action that may have significant impact on the environment without observing the provisions of (f)–(1), (2), (3), and (4), the RFO shall consult with CEQ concerning alternative arrangements.

(f) *Merging the study or assessment report or plan with the EA OR EIS.* If an EIS is not required, the EA will be merged with the report in a manner that facilitates its use in decisionmaking. If an EIS is required, it will be merged with the report in a manner that facilitates its use in decisionmaking, and the combined report will be prepared, filed, and distributed in draft and final form in accordance with the requirements of both the report and the EIS. Preview and comment on the report and the incorporated EIS will be performed simultaneously.

[FR Doc.77-27777 Filed 9-22-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 485]

ASSIGNMENT OF HEARINGS

SEPTEMBER 20, 1977.

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 102567 Sub 194, McNair Transport, Inc., MC 121496 Sub 3, Cango Corporation and MC 116077 Sub 362, Robertson Tank Lines, Inc. now assigned November 29, 1977 at Houston, Texas are postponed to January 17, 1978 (9 days) at Houston, Texas in a hearing room to be later designated.

MC 78400 (Sub-No. 49), Beaufort Transfer Company, now assigned September 29, 1977, at St. Louis, Mo. is canceled and application dismissed.

Ex Parte 308, Valuation of Common Carrier Pipelines, now assigned September 14, 1977, at Washington, D.C., is postponed to October 18, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138345 Sub No. 7 Basil B. Gordon, d.b.a. Valley Spreader Co. now being assigned November 29, 1977 (2 days) for hearing in Yuma, Arizona, in a hearing room to be later designated.

MC 135684 Sub No. 31 Bass Transportation Co., Inc., now being assigned December 2, 1977 (1 day) for hearing in Los Angeles, Calif., in a hearing room to be later designated.

MC 141804 Sub No. 37 Western Express, now being assigned December 5, 1977 (1 day) for hearing in Los Angeles, Calif., in a hearing room to be later designated.

MC 117940 Sub No 201 Nationwide Carriers, Inc., now being assigned December 6, 1977 (2 days) for hearing in Los Angeles, Calif., in a hearing room to be later designated.

MC 141084 National Freight Lines, Inc., now being assigned December 8, 1977 (2 days) for hearing in Los Angeles, Calif., in a hearing room to be later designated.

MC 140030 Sub No. 4 Plastic Express, now being assigned December 12, 1977 (1 day) for hearing in Los Angeles, Calif., in a hearing room to be later designated.

MC 118288 Sub No. 48 Frost Truck Lines, Inc. now being assigned December 13, 1977 (1 day) for hearing in Los Angeles, Calif., in a hearing room to be later designated.

MC No. 141804 Sub No. 59 Western Express, now being assigned December 14, 1977 (1 day) for hearing in Los Angeles, Calif., in a hearing room to be later designated.

MC 140581 Sub No. 9 Tommy Hagwood DBA Hagwood Enterprises, now being assigned December 15, 1977 (2 days) for hearing in Los Angeles, Calif., in a hearing room to be later designated.

MC 134323 (Sub-No. 91), Jay Lines, Inc., now assigned October 20, 1977, at New Orleans, La., will be held in Room 223, East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 141033 (Sub-No. 7), Continental Contract Carrier Corp., now assigned October 18, 1977, at New Orleans, La., will be held in Room 223, East Courtroom, U.S. Court of Appeals, 600 Camp St.

MC 52460 (Sub-No. 192), Ellex Transportation, Inc., now assigned October 17, 1977, at New Orleans, La., will be held in Room 223, East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 116763 (Sub-No. 532), Carl Subler Trucking, Inc., now assigned October 12, 1977, at New Orleans, La., will be held in Room 223, East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 136786 (Sub-No. 110), Robco Transportation, Inc., now assigned October 14, 1977, at New Orleans, La., will be held in Room 223, East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 82492 (Sub-No. 152), Michigan Nebraska Transit Co., Inc., now being assigned November 10, 1977 (2 days), at Columbus, Ohio, in a hearing room to be later designated.

No. 36095, Investigation Into Lawfulness Of Off-Line Limitations Placed on Non-Assigned Hopper Cars now being assigned November 15, 1977 for hearing and January 10, 1978, January 17, 1978 and January 24, 1978 for continued hearings at the Offices of the Interstate Commerce Commission in Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-27871 Filed 9-22-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 20, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43433—*Joint Rail-Water Container Rates—Barber Lines.* Filed by Barber Lines, (No. 2), for itself and interested rail carriers.

Rates on general commodities, between rail stations on the U.S. Pacific Coast, and ports on the Persian Gulf, Red Sea and Gulf of Aden.

Grounds for relief—Water competition.

Tariff—Barber Lines tariff No. 1, I.C.C. No. 1, F.M.C. No. 50.

Rates are published to become effective on October 17, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-27873 Filed 9-22-77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 16, 1977.

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 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 gateway herein described may be filed with with the Interstate Commerce Commission on or before October 3, 1977. 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 8973 (Sub-No. E51), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware, and building materials, equipment and supplies* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (A) (1) from points in Queens County, N.Y., to points in Maine, Pennsylvania, Ohio, Delaware, Maryland, Virginia, and the District of Columbia; (2) from points in Queens County, N.Y., to that portion of New Hampshire on and north of a line beginning at the Vermont-New Hampshire State line at or near Lebanon, N.H., thence east along U.S. Highway 4 to junction New Hampshire Highway 4A, thence south through Enfield Center to junction New Hampshire Highway 4 at Gale, thence east along New Hampshire Highway 4 to junction New Hampshire Highway 11, to junction New Hampshire Highway 3, thence east to junction New Hampshire Highway 3B south through Northfield, thence east on unnumbered highway to junction another unnumbered highway, thence south to junction New Hampshire Highway 106, thence north along New Hampshire Highway 106 to unnumbered highway; thence east along unnumbered highway to junction New Hampshire Highway 129; thence east on unnumbered highway to Pittsfield to junction New Hampshire Highways 28 and 107 and thence south on New Hampshire Highway 107 to junction U.S. Highway 4, thence east to the Atlantic Ocean near New Castle.

(3) From points in Queens County, N.Y., to points in that portion of Vermont on and north of a line beginning at the New York-Vermont State line near Fair Haven and extending east along U.S. Highway 4 to junction Vermont Highway 30, thence north along Ver-

mont Highway 30 to junction unnumbered highway near Hubbardton, thence north and east along unnumbered highway to Brandon; thence east along Vermont Highway 73 to junction Vermont Highways 100 and 107, thence east along Vermont Highway 107 to junction Interstate Highway 89; thence south along Interstate Highway 89 to junction Vermont Highway 14, thence through White River junction to the Vermont-New Hampshire State line. (4) From points in Queens County, N.Y., to that portion of New York, on, west and north of a line commencing at the Pennsylvania-New York State line near Lanesboro, Pa., thence extending north along New York Highway 79 to Windsor, thence north and east along New York Highway 79 to junction New York Highway 7; thence north and east along New York Highway 7 between Harpursville and Unadilla, thence north along New York Highway 8 to junction U.S. Highway 20 near Bridgewater; thence east along U.S. Highway 20 to junction New York Highway 51, thence north to Ilion and junction New York Highway 5, thence east to Little Falls and junction New York Highway 170, thence north to junction New York Highway 107A to New York Highway 29A, thence east to Canada Lake, thence north to the Fulton-Hamilton County line, thence east along the Fulton-Hamilton County line to Benson, thence along unnumbered highway to Hope Valley and New York Highway 30, thence north along unnumbered highway and creek to county line thence east to junction New York Highway 418, thence along unnumbered highway to Lake George, to junction New York Highway 9L to junction New York Highway 149 to junction New York Highway 4 to Comstock, and to junction U.S. Highway 4 and junction New York Highway 22, thence south to Granville to the New York-Vermont State line.

(B) (1) from points in Richmond County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Pennsylvania, Ohio, Delaware, Maryland, Virginia, and the District of Columbia. (2) from points in Richmond County, N.Y., to that portion of Connecticut on, north and east of a line commencing at the New York-Connecticut State line and extending north along Connecticut Highway 37 to Broadmans Bridge to junction U.S. Highway 7, thence east to New Milford to junction Connecticut Highway 67, thence south along Connecticut Highway 67 to Seymour, thence east along Connecticut Highway 67 to junction Connecticut Highway 63, thence south along Connecticut Highway 63 to New Haven to Long Island Sound. (3) from that part of Richmond County, N.Y., on and south of a line commencing at Lower Bay and Grant City, thence west to include New Dorp, thence south to include Richmond and Richmontown, thence west to include Rossville and thence west to Staten Island Sound, to points in Connecticut. (4) from points in Richmond County, N.Y., to that part of New York west and north of a line commencing at the Pennsylvania-New Jersey State line near Port Jervis and extending along U.S. Highway 209, thence north through Bloomingburg, thence north through Kerhonkson to Accord, thence along unnumbered highway to Rosendale, thence north to junction Interstate Highway 87, thence east to Ulster Park to the Hudson River to Staatsburg, thence east along unnumbered highway through Clinton, Salt Point, Clinton Corners, Millbrook, Lithgow to junction New York Highway 44, thence along New York Highway 44 to Amenia, thence south along New York Highways 22 and 343 through Wassaic to South Amenia thence east to New York-Connecticut State line, (5) from that part of Richmond County, N.Y., on and south of a line beginning at the Arthur Kill River and extending along unnumbered highway to Travis, thence along unnumbered highway to New Springville to Rosebank, to points in New York. The purpose of this filing is to eliminate the gateway of the warehouse and plantsite facilities of Alcan Aluminum Corp. at Woodbridge, N.J.

No. MC-19227 (Sub-No. E1) (correction), filed April 25, 1974, published in the FEDERAL REGISTER issue of May 29, 1974, and republished, as corrected, this issue. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. (1) *Commodities*, the transportation of which because of their 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 moving in connection therewith, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties), Georgia (east and south of Stephens, Habersham, White, Lumpkin, Dawson, Pickens, Bartow, and Floyd Counties), South Carolina (east and south of York, Cherokee, Spartanburg, Greenville, Pickens, and Oconee Counties); between points in Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Lake Counties in California, on the one hand, and, on the other, points in Alabama (except Lauderdale and Colbert Counties), Georgia, between points in Sonoma, Yolo, Napa, Solano, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito Counties, California, on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, between points in Butte, Yuba, Sierra, Sutter, Nevada, Placer, El Dorado, Sacramento, Alpine, Amador, San Joaquin, Calaveras, Mono, Tuolumne, Stanislaus, Mariposa, Mercer, Madera, and Fresno Counties, California, on the one hand, and, on the other, points in Alabama (except Lauderdale and Colbert Counties), Georgia, South Carolina, between points in Inyo, Tulare, Kings, and Kern Counties, in California, on the one hand, and, on the other, points in Alabama (east and south of Jackson, Marshall, Morgan, Lawrence, Winston, Marion, and Lamar Counties), Georgia (east and south of Catoosa and Walker Counties), South Carolina, between points in San Luis Ibispo, Santa Barbara, Ventura, Los Angeles, and Orange Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Madison, Morgan, Winston, Fayette, and Pickens Counties), Georgia, South Carolina, between points in San Bernardino and Riverside Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Lee, Macon, Bullock, Pike, Coffee, and Geneva Counties), Georgia (east and south of Franklin, Banks, Hall, Forsyth, Cherokee, Cobb, Douglas, and Carroll Counties), between points in San Diego and Imperial Counties, California, on the one hand, and, on the other, points in Alabama (east and south of Lauderdale and Colbert Counties), Georgia, South Carolina. The commodities sought in (2) above are restricted to those commodities which are transported on trailers.

The purpose of this filing as to A (1) above is to eliminate the gateways of (1) points in Arizona within 25 miles of Yuma, Ariz., including Yuma, (2) points in that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Texas, and (3) points in Florida; and as to A (2), to eliminate the gateways of (1) points in Arizona within 25 miles of Yuma, Arizona, including Yuma, (2) points in Texas, and (3) points in Florida. A. (1) *Commodities* (except boats, oil field equipment) the transportation of which because of their size or weight require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 lbs. or more, and related machinery, tools, parts and supplies moving in connection therewith, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, California, on the one hand, and, on the other, points in North Carolina (east and south of Dare, Tyrrell, Washington, Martin, Pitt, Greene, Wayne, Johnston, Harnett, Moore, and Richmond Counties), between points in Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, and Lake Counties in California, on the one hand, and, on the other, points in Mississippi (east and south of Itawamba, Lee, Chickasaw, Calhoun, Grenada, Leflore, Sunflower, Washington, Sharkey, and Issaquena Counties), North Carolina, Tennessee (east and south of Scott, Fentress, Overton, Jackson, Smith, Wilson, Cannon, Rutherford, Maury, and Lawrence Counties), Virgina (east and south of Loudoun, Fauquier, Culpeper, Madison, Rockingham, Augusta, Rockbridge and Alleghany, Buchanan, and Dickenson Counties).

Between points in Sonoma, Yolo, Napa, Solano, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito Counties, California, on the one hand, and, on the other, points in Connecticut (east and south of Litchfield, New Haven, and Fairfield Counties), Deleware, Kentucky (east and south of Martin, Floyd, Magoffin, Breathitt, Clay, Laurel, and Whitley Counties), Maine (east and south of Somerset, Franklin, and Oxford Counties), Maryland (east and south of Carroll and Frederick Counties), Massachusetts (east and south of Franklin, Hampshire, and Berkshire Counties), Mississippi (east and south of Alcorn, Tippah, Union, Lafayette, Yalobusha, Tallahatchie, Leflore, Humphreys, Yazoo, Hinds, Copiah, Franklin, Jefferson and Adams Counties) New Jersey (east and south of Bergen, Morris, Essex, Union, Middlesex, and Mercer Counties), New York, North Carolina, Pennsylvania (east and south of Bucks, Berks, and Lancaster Counties), Rhode Island, Tennessee (east and south of Macon, Sumner, Robertson, Cheatham, Dickson, Hickman, Perry, Decatur, and Hardin Counties) West Virginia (east and south of Hampshire, Grant, Tucker, Randolph, Webster, Nicholas, Fayette, Kanawha, Boone, Logan, Lincoln, and Wayne Counties) and the District of Columbia; between points in Butte, Yuba, Sierra, Sutter, Nevada, Placer, El Dorado, Sacramento Alpine, Amador, San Joaquin, Calaveras Mono, Tuolumne, Stanislaus, Mariposa, Mercer, Madera, and Fresno Counties, California, on the one hand, and, on the other, points in Connecticut (east and south of Hartford and New Haven Counties), Delaware, Kentucky (east and south of Martin, Floyd, Knott, Perry, Leslie, Knox, and Whitley Counties), Maine (east and south of Aroostock, Piscataqus, Somerset, Franklin, Androscoggin, Cumberland, and York Counties), Maryland (east and south of Carroll and Frederick Counties), Massachusetts (east and south of Worcester County), Mississippi (east and south of Tishomingo, Lee, Prentiss, Pontotoc, Calhoun, Grenada, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Amite Counties) New York (east and south of Putnam and Orange Counties), New Jersey (east and south of Passaic, Morris, and Warren Counties), North Carolina, Pennsylvania (east and south of Northampton, Lehigh, Berks, and Lancaster Counties), Rhode Island, Tennessee (east and south of Picket, Overton, Jackson, Smith, Wilson, Williamson, Maury, and Lawrence Counties), Virginia (east and south of Clark, Frederick, Shenandoah Counties) and the District of Columbia.

Between points in Inyo, Tulare, Kings, and Kern Counties, in California on the one hand and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Mississippi (east and south of Monroe, Clay, Oktibbeha, Winston, Neshoba, Newton, Smith, Covington, Jefferon Davis, and Marion Counties), New Hampshire, New Jersey, New York (east and south of Essex, Hamilton, Herkimer, Otsego, and Broome Counties), North Carolina, Pennsylvania (east and south of Susquehanna, Sullivan, Luzerne, Columbia, Northumberland, Dauphin, Cumberland, Huntingdon, and Fulton Counties), Rhode Island, Vermont, Virginia (east and south of Buchanan and Russell Counties), West Virginia (east and south of Preston, Barbour, Upshur, Braxton, Clay, Kanawha, Boone, Logan, and Mingo Counties, and the District of Columbia; between points in San Luis Obispo, Santa Barbara, Ventura, Los Angeles, and Orange Counties, California on the one hand and, on the other, points in Connecticut, Delaware, Kentucky (east and south of Lawrence, Morgan, Magoffin, Breathitt, Clay, Knox, and Whitley Counties), Maine, Maryland, Massachusetts, Mississippi (east and south of Kemper, Newton, Smith, Simpson, Jefferson Davis, Lawrence, and Walthall Counties), New Hampshire, New Jersey, New York (east and south of St. Lawrence, Herkimer, Chenango, and Broome Counties), North Carolina, Pennsylvania (east and south of Bradford, Lycoming, Clinton, Centre, Clair, Cambria, Westmoreland, and Fayette Counties, Tennessee (east and south of Campbell, Morgan, Cumberland, Bledsoe, Sequatchie, and Marion Counties, Vermont, Virginia, West Virginia (east and south of Wetzel, Tyler, Pleasants, Wood, Jackson, Mason, Cabell, and Wayne Counties), and the District of Columbia.

Between points in San Bernardino and Riveride Counties, California on the one hand and, on the other, point in Connecticut (east and south of Litchfield and Fairfield Counties), Delaware, Maine (east and south of Aroostock, Piscataquis, Somerset, Franklin, Oxford Counties), Maryland (east and south of Cecil, Harford, Baltimore, Howard, Montgomery Counties), Massachusetts (east and south of Worcester County), New Hampshire (east and south of Carroll, Belknap, Merrimack, and Hillsborough Counties), New Jersey (east and south of Middlesex County), North Carolina (east and south of Surry, Wilkes, Alexander, Burke, Rutherford, and Polk Counties), Rhode Island, and the District of Columbia; between points in San Diego and Imperial Counties, California on the one hand and, on the other, points in Connecticut, Delaware, Kentucky (east and south of Greenup, Carter, Rowan, Menifee, Powell, Estill, Madison, Rockcastle, Lincoln, Casey, Russell, and Cumberland Counties), Maine, Maryland, Massachusetts, Mississippi (east and south of Tishomingo, Prentiss, Lee, Pontotoc, Calhoun, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Pike Counties), New Hampshire, New Jersey, New York (east and south of Jefferson, Oswego, Onondaga, Cayuga, Seneca Yates, and Steuben Counties) Rhode Island, Tennessee (east and south of Clay, Smith, Wilson, Williamson, Maury, and Lawrence Counties), Vermont, Virginia, West Virginia (east and south of Wetzel, Tyler, Ritchie, Wirt, Jackson, Mason, Cabell, and Wayne Counties), and the District of Columbia.

The commodities sought in (2) above are restricted to those commodities which are transported on trailers.

The purpose of the filing as to A(1) above is to eliminate the gateways of (1) points in Arizona within 25 miles of Yuma, Ariz., including Yuma, (2) points in that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crochett, and Val Verde Counties, Texas, and (3) points in Florida; and as to A(2), to eliminate the gateways of (1) points in Arizona within 25 miles of Yuma, Arizona, including Yuma, (2) points in Texas, and (3) points in Florida.

B(1) *Commodities*, the transportation of which because of their size or weight require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 lbs. and/or more and related machinery, tools, parts, and supplies in connection therewith, between points in Yuma County, Ariz. on the one hand and, on the other, points in Alabama (east and south of Limestone, Lawrence, and Marion Counties), Georgia.

Between points in Maricopa, Gila, Pinal, Graham, Greenlee, Pima, Cochise, and Santa Cruz Counties, Arizona on the one hand and, on the other, points in Alabama (east and south of Jackson, Marshall, Cullman, Winston, Marion, and Lamar Counties), Georgia, between points in Mohave, Coconin, Navajo, Apache, and Yavapai Counties, Arizona on the one hand and, on the other, points in Alabama (east and south of Dekalb, Marshall, Blount, Walker, Marion, and Lamar Counties), Georgia (east and south of Murray, Whitfield, Walker, and Chattosa Counties), South Carolina, between points in Valencia, Catron, Grant, Hidalgo, Luna, Bernalillo, Socorro, Sierra, Dona Ana, Torrance, Lincoln, Otero, Guadalupe, DeBaca, Chaves, Eddy, Curry, Roosevelt, and Lea Counties, New Mexico on the one hand and, on the other, points in Alabama (east and south of Cherokee, Etoway, Saint Clair, Jefferson, Bibb, Perry, Dallas, Wilcox, Monroe, Conecuh, and Escambia Counties), Georgia.

Between points in San Juan, McKinley, Rio Arriba, Sandoval, Taos, Santa Fe, Colfax, Mora, San Miguel, Union, Harding, and Quay Counties, New Mexico on the one hand and, on the other, points in Alabama (east and south of Cherokee, Calhoun, Saint Clair, Shelby, Chilton, Autauga, Dallas, Wilcox, Monroe, and Escambia Counties), South Carolina. The commodities sought in (2) above are restricted to those commodities which are transported on trailers. The purpose of this filing as to those commodities described in B(1) above is to eliminate the gateways of (1) points in that part of Texas west of the eastern boundary lines of Lepscomb, Hemphill, Wheeler, Collingsworth, Hall, Mottey, Dickens, Kent, Scurry, Howard, Glascock, Reagan, Crockett, and Val Verde counties, Tex., and (2) points in Florida; and as to those commodities de-

scribed in B(2) to eliminate the gateways of (1) points in Texas, and (2) points in Florida. B(1) *Commodities* (except boats), and (except oil field equipment), the transportation of which because of their size or weight require the use of special equipment, and (2) self-propelled articles, each weighing 15,000 lbs. or more and related machinery, tools, parts, and supplies in connection therewith, between points in Yuma County, Ariz. on the one hand and, on the other, points in Delaware, Kentucky (east and south of Boyd, Carter, Elliott, Rowan, Menifee, Powell, Estill, Madison, Garrard, Lincoln, Casey, Adair, Metcalf, Barren, and Allen Counties), Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (east and south of Franklin, St. Lawrence, Lewis, Oswego, Onodago, Cayuga, Schuyler, and Steugen Counties), North Carolina, Pennsylvania (east and south of Tioga, Potter, Cameron, Clearfield, Cambria, Westmoreland, and Fayette Counties), Rhode Island, Tennessee (east and south of Robertson, Cheatham, Williamson, Maury, and Giles Counties), Vermont, Virginia, and the District of Columbia.

Between points in Maricopa, Gila, Pinal, Graham, Greenlee, Pima, Cochise, and Santa Cruz Countries, Arizona on the one hand and, on the other, points in Connecticut, Delaware, Kentucky (east and south of Martin, Floyd, Knott, Perry, Leslie, and Harlan Counties), Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (east and south of Franklin, Hamilton, Fulton, Otsego, Chenango, and Broome Counties), North Carolina, Pennsylvania (east and south of Bradford, Lycoming, Clinton, Centre, Clair, and Somerset Counties), Rhode Island, Tennessee (east and south of Claiborne, Union, Anderson, Roane, McMinn, and Hamilton Counties), Vermont, Virginia, West Virginia (east and south of Monongalia, Marion, Harrison, Doddridge, Gilmer, Calhoun, Roane, Putnam, Lincoln, and Wayne Counties), and the District of Columbia; between points in Mohave, Coconin, Navajo, Apache, and Yavapai Counties, Arizona on the one hand and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (east and south of Rensselaer, Greene, Ulster, Sullivan Counties), North Carolina (east and south of Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham, and Cherokee Counties), Pennsylvania (east and south of Pike, Monroe, Carbon, Schuylkill, Lebanon, and Lancaster Counties), Rhode Island, Vermont (east and south of Orleans, Lamoille, Washington, Addison, Rutland, and Bennington Counties), Virginia (east and south of Tazewell, Russell and Washington Counties), West Virginia (east and south of Mineral, Grant, Tucker, Randolph, Webster, Nicholas, Fayette, Summers, and Mercer Counties), and the District of Columbia; between points in Valencia, Catron, Grant, Hidalgo, Luna, Bernalillo, Socorro, Sierra, Dona Ana, Torrance, Lincoln, Otero, Guadalupe, DeBaca, Chayes, Eddy, Curry, Roosevelt, and Lea Counties, New Mexico on the one hand and, on the other, points in Connecticut (east and south of Hartford and Middlesex Counties), Delaware, Maine, Maryland (east and south of Carroll and Frederick Counties), Massachusetts, New Hampshire (east of Belknap and Hillsborough Counties), New Jersey (east and south of Bergen, Essex, Morris, and Hunterdon Counties), New York (east and south of Putnam and Rockland Counties), North Carolina (east and south of Surry, Wilkes, Alexander, Burke, McDowell, Buncombe, and Henderson Counties), Pennsylvania (east and south of Northampton, Lehigh, Berks, and Lebanon Counties), Rhode Island, Virginia (east and south of Loudoun, Clarke, Warren, Page, Rockingham, Augusta, Rockbridge, Botetourt, Roanoke, Floyd, and Carroll Counties), and the District of Columbia

Between points in San Juan, McKinley, Rio Arriba, Sandoval, Taos, Santa Fe, Colfax, Mora, San Miguel, Union, Harding, and Quay Counties; New Mexico on the one hand, and on the other, points in North Carolina (east and south of Rockingham, Forsyth, Davie, Iredell, Lincoln, and Cleveland Counties), and Virginia (east of Westmoreland, Caroline, Hanover, Goochland, Powhatan, Amelia, Prince Edward, Charlotte, and Halifax Counties). The commodities sought in (2) above are restricted to those commodities which are transported on trailers. The purpose of this filing as to those commodities described in B(1) above is to eliminate the gateways of (1) points in that part of Texas west of the eastern boundary lines of Lepscomb, Hemphill, Wheeler, Collingsworth, Hall, Mottey, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Tex., and (2) points in Florida; and as to those commodities described in B(2), to eliminate the gateways of (1) points in Texas, and (2) points in Florida.

C. (1) *Commodities* (except oil field equipment), the transportation of which, because of their size or weight, require the use of special equipment, and (2) self-propelled articles (except oil field equipment) each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies in connection therewith, between points in New Mexico on the one hand and, on the other, points in Arkansas and Louisiana. The purpose of this filing as to (1) above is to eliminate the gateway of points in that part of Texas west of the eastern boundary lines of Lepscomb, Hemphill, Wheeler, Collingsworth, Hall, Mottey, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crockett, and Val Verde Counties, Tex., and as to (2) to eliminate the gateway of points in Texas.

D. (1) *Airplant parts, and airplane supplies and equipment*, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, Calif. on the one hand and, on the other, points in Alabama (east and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties), Georgia (south of Floyd, Bartow, Pickens, Dawson, Lumpkin, White, Habersham, and Stephens Counties), Mississippi (east and south of Noxubee, Winston, Neshoba, Scott, Smith, Simpson, Jefferson Davis, and Walthall Counties), Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermillion Parishes), South Carolina (east and south of Oconee, Pickens, Greenville, Spartanburg, Cherokee, and York Counties); between points in Sonoma, Napa, Yolo, Marin, Solano, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San Benito, and Monterey Counties, Calif. on the one hand and, on the other, points in Alabama, Georgia, Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermillion Parishes), Mississippi (east and south of Alcorn, Tippah, Union, Lafayette, Yalobusha, Grenada, Carroll, Holmes, Yazoo, Madison, Hinds, Copiah, Franklin, and Amite Counties), South Carolina, Tennessee (east and south of Clay, Jackson, Smith, Wilson, Williamson, Maury, Lewis, and Wayne Counties); between points in Inyo, Tulare, Kings, and Kern Counties, California on the one hand and, on the other, points in Alabama (east and south of Jackson, Marshall, Morgan, Winston, Marion, and Lamar Counties), Georgia, Mississippi (east and south of Monroe, Clay, Oktibbeha, Winston, Neshoba, Newton, Smith, Covington, Jefferson Davis, and Marion Counties), between points in San Louis Obispo, Santa Barbara, Ventura, Los Angeles, and Orange Counties, California on the one hand and, on the other, points in Alabama (east and south of Madison, Morgan, Winston, Fayette, and Pickens Counties), Georgia, Mississippi (east and south of Kemper, Newton, Smith, Simpson, Jefferson Davis, and Walthall Counties), South Carolina and Tennessee (east and south of Campbell, Morgan, Cumberland, Bledsoe, Sequatchie, and Marion Counties), between points in San Bernardino and Riverside Counties, California on the one hand and, on the other, points in Alabama (east and south of Cleburne, Talladega, Shelby, Chilton, Autauga, Lowndes, Wilcox, Monroe, Conecuh, and Escambia Counties), Georgia (east and south of Hart, Franklin, Banks, Jackson, Barroe, Gwinnett, De Kalb, Fulton, and Carroll Counties), South Carolina (east and south of Greenville and Anderson Counties).

Between points in San Diego and Imperial Counties, California on the one hand and, on the other, points in Alabama, Georgia, Mississippi, (east and south of Tishomingo, Lee, Pontotoc, Calhoun, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Pike Counties), South Carolina and Tennessee (east and south of Clay, Smith, Wilson, Williamson, Maury and Lawrence Counties); and (2) *Guided missile parts, and guided missile supplies, and equipment* used in the maintenance, servicing, repair, and operation of guided missiles,

between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, California on the one hand and, on the other, points in Alabama (east and south of Cherokee, Etowah, Blount, Walker, Fayette, and Lamar Counties), Georgia (south of Floyd, Bartow, Pickens, Dawson, Lumpkin, White, Habersham, and Stephens Counties), Mississippi (east and south of Noxubee, Winston, Neshoba, Scott, Smith, Simpson, Jefferson Davis, and Walthall Counties), Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermillion Parishes) South Carolina (east and south of Oconee, Pickens, Greenville, Spartansburg, Cherokee and York Counties); between points in Sonoma, Napa, Yolo, Marin, Solano, Contra Costa, Alameda, San Mateo, Santa Cruz, Santa Clara, San Benito, and Monterey Counties, California on the one hand and, on the other, points in Alabama, Georgia, Louisiana (east and south of East Feliciana, Pointe Coupee, St. Martin, Lafayette, and Vermillion Parishes), Mississippi (east and south of Alcorn, Tippah, Union, Lafayette, Yalobusha, Grenada, Carroll, Holmes, Yazoo, Madison, Hinds, Copiah, Franklin, and Amite Counties) and South Carolina; between points in Inyo, Tulare, Kings and Kern Counties, California on the one hand and, on the other, points in Alabama (east and south of Jackson, Marshall, Morgan, Winston, Marion, and Lamar Counties), Georgia, Mississippi (east and south of Monroe, Clay, Oktibbeha, Winston, Neshoba, Newton, Smith, Covington, Jefferson Davis, and Marion Counties).

Between points in San Luis Obispo, Santa Barbara, Ventura, Los Angeles, and Orange Counties, California on the one hand and, on the other, points and places in Alabama (east and south of Madison, Morgan, Winston, Fayette, and Picken Counties), Georgia, Mississippi (east and south of Kempre, Newton, Smith, Jefferson Davis, and Walthall Counties), and South Carolina; between points in San Bernardino and Riverside Counties, California on the one hand and, on the other, points in Alabama (east and south of Cleburne, Talladega, Shelby, Chilton, Autauga, Lowndes, Monroe, Conecuh, and Escambia Counties), Georgia (east and south of Hart, Franklin, Banks, Jackson, Barrow, Gwinnett, DeKalb, Fulton, and Carroll Counties), South Carolina (east and south of Greenville, and Anderson Counties); between points in San Diego and Imperial Counties, California on the one hand and, on the other, points in Alabama, Georgia, Mississippi (east and south of Hishomingo, Lee, Pontotoc, Calhoun, Montgomery, Attala, Madison, Rankin, Copiah, Lincoln, and Pike Counties), and South Carolina. The operations proposed in (2) above are restricted against the transportation (a) of dangerous commodities, and (b) of any of the sought commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of points in Florida.

NOTE.—The purpose of this correction is to state the correct Sub-No. E1.

No. MC 19227 (Sub-No. E2) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of June 7, 1974, and republished, as corrected, this issue. Applicant: LEONARD BROS. TRUCKING, INC., 2515 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Airplane parts and airplane supplies and equipment*, and (2) *guided missile parts and guided missile supplies and equipment*, (a) between points in Del Norte, Siskiyou, Humboldt, Trinity, Mindocino, and Lake Counties, Calif., on the one hand, and, on the other, points in Alabama, Georgia, South Carolina, and Tennessee (east and south of Scott, Fentress, Overton, Jackson, Wilson, Rutherford, Maury, and Giles Counties); and (b) between points in Butte, Sierra, Yuba, Sutter, Nevada, Placer, El Dorado, Sacramento, Amador, Alpine, Mono, Tuolumne, Calaveras, Mariposa, San Joaquin, Stanislaus, Madera, Merced, and Fresno Counties, Calif., on the one hand, and, on the other points, in Alabama, Georgia and Tennessee (east and south of Pickett, Overton, Jackson, Smith, Williamson, Maury, and Lawrence Counties).

(B)(1) *Commodities*, the transportation of which because of their size or weight require the use of special handling or equipment, and (2) *self-propelled articles*, each weighing 15,000 lbs. or more and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, Calif., on the one hand, and on the other, points in Arizona (east and south of Yuma, Yavapai, Coconino, Navajo, and Apache Counties), Kansas (south of Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Rice, McPherson, Marion, Chase, Lyon, Coffey, Anderson, and Linn Counties), Missouri (south of Bates, Henry, Benton, Camden, Miller, Maries, Gasconnade, Franklin, and Jefferson Counties), New Mexico, Oklahoma, and Texas; between points in Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, Lake, Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Placer, Sonoma, Yolo, El Dorado, Napa, Sacramento, Amador, Alpine, Mono, Tuolumne, Calaveras, San Joaquin, Marin, Contra Costa, San Mateo, Santa Cruz, Santa Clara, Merced, Stanislaus, Alameda, Mariposa, Madera, Fresno, San Benito, and Monterey Counties, Calif., on the one hand, and on the other, points in Arizona, Kansas (except Cheyenne, Sherman, Wallace, and Greeley Counties), Missouri, New Mexico, Oklahoma, and Texas; between points in California (south of Monterey, Fresno, and Mono Counties), on the one hand, and on the other, points in Arizona, Kansas (south and east of Hamilton, Kearny, Scott, Lane, Ness, Rush, Ellsworth, Saline, Dickinson, Geary, Wabaunsee, Shawnee, Jefferson, and Atchison Counties), Missouri, New Mexico, and Texas.

(B)(1) *Commodities* (except oilfield equipment), the transportation of which because of their size or weight require the use of special equipment or handling, and (2) *self-propelled articles* (except oilfield equipment), each weighing 15,000 lbs., or more and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, between points in Modoc, Shasta, Lassen, Tehama, and Plumas Counties, Calif., on the one hand, and, on the other, points in Arkansas. Between points in Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, Lake, Glenn, Butte, Sierra, Colusa, Sutter, Yuba, Nevada, Placer, Sonoma, Yolo, El Dorado, Napa, Sacramento, Amador, Alpine, Mono, Tuolumne, Calaveras, San Joaquin, Marin, Contra Costa, San Mateo, Santa Cruz, Santa Clara, Merced, Stanislaus, Alameda, Mariposa, Madera, Fresno, San Benito, and Monterey Counties, Calif., on the one hand, and, on the other, points in Arkansas, Louisiana, between points in California (south of Monterey, Fresno, and Mono Counties), on the one hand, and, on the other, points in Arkansas, Louisiana. (C)(1) *Commodities*, the transportation of which because of their size or weight require the use of special equipment or handling, and (2) *self-propelled articles*, each weighing 15,000 pounds or more and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, between points in Texas (north of Parmer, Castro, Swicher, Brisco, Hall, and Childress Counties), on the one hand, and, on the other, points in Alabama (east and south of Cleburne, Clay, Tallapoosa, Elmore, Montgomery, Lowndes, Butler, Conecuh, and Escambia Counties), Georgia (east and south of Franklin, Banks, Hall, Forsyth, Cherokee, Bartow, Polk, and Haralson Counties), South Carolina (east and south of Cherokee, Spartansburg, Greenville, and Anderson Counties), between points in Texas (south of Gaines, Dawson, Borden, Scurry, Fisher, Jones, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Kaufman, Van Zandt, Smith, Gregg, and Harrison Counties; north of Jeff Davis, Brewster, Terrell, Val Verde, Edwards, Kerr, Gillespie, Blanco, Hays, Caldwell, Bastrop, Fayette, Washington, Waller, Harris, Liberty, Hardin, and Orange Counties), on the one hand, and, on the other, points in Alabama (east and south of Cherokee, Calhoun, Talladega, Shelby, Chilton, Autauga, Lowndes, Butler, and Covington Counties), Georgia (south of Hart, Franklin, Banks, Hall, Forsyth, Cherokee, Bartow and Floyd Counties), South Carolina (east and south of Cherokee, Spartanburg, Greenville, and Anderson Counties), between points and places in Texas (east of Fannin, Hunt, and Kaufman Counties; north of Henderson, Cherokee, Rusk and Panola

Counties), on the one hand, and, on the other, points in Georgia (east and south of Columbia, McDuffie, Jefferson, Johnson, Laureus, Wheeler, Jeff Davis, Coffee, Atkinson, and Clinch Counties), South Carolina (east and south of Chesterfield, Kershaw, Fairfield, Newberry, Saluda and Edgefield Counties).

The purpose of this filing is to eliminate the gateways of (1) points in Florida, for (A) and (C) above, and (2) points in Arizona, within 25 miles of Yuma, including Yuma, and points in that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motely, Dickens, Kent, Scurry, Howard, Glasscock, Reagan, Crocket, and Val Verde Counties, Tex., for (B) above.

(C) (1) *Commodities* (except boats and oil field equipment) the transportation of which because of their size or weight require the use of special equipment or handling, and (2) *self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts* and *supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in Texas (north of Parmer, Castro, Swicher, Briscoe, Hall and Childress Counties), on the one hand, and, on the other, points in North Carolina (Rockingham, Guilford, Davidson, Rowan, Iredell, Lincoln, and Gaston Counties), and Virginia (east and south of Stafford, Spotsylvania, Louisa, Fluvanna, Buckingham, Appomattox, Campbell, and Pittsylvania Counties); between points in Texas (south of Gaines, Dawson, Borden, Scurry, Fisher, Jones, Shakelford, Stephens, Palo Pinto, Parker, Tarrant, Dallas, Kaufman, Van Zandt, Smith, Gregg, and Harrison Counties; north of Jeff David, Brewster, Terrell, Val Verde, Edwards, Kerr, Gillespie, Blanco, Hays, Caldwell, Bastrop, Fayette, Washington, Waller, Harris, Liberty, Hardin, and Orange Counties), on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland (east of Allegany County), Massachusetts, New Hampshire, New Jersey, New York (east and south of St. Lawrence, Herkimer, Oneida, Madison, Chenango, and Broome Counties), North Carolina (east and south of Surry, Yadkin, Iredell, Lincoln and Gaston Counties), Pennsylvania (east and south of Susquehanna, Bradford, Tioga, Potter, Clinton, Centre, Mifflin, Huntington, and Bedford Counties), Rhode Island, Vermont, Virginia (east and south of Highland, Bath, Alleghany, Craig, Roanoke, Floyd, and Carroll Counties), and the District of Columbia; between points and places in Texas (east of Fannin, Hunt, and Kaufman Counties, north of Henderson, Cherokee, Rusk, and Panola Counties), on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland (east and south of Harford, Baltimore, Howard, and Prince Georges Counties), Massachusetts (east and south of Franklin, Hampshire, and Berkshire Counties), New Hampshire, New Jersey (east and south of Sussex and Warren Counties), New York (east and south of Columbia, Ulster, and Orange Counties), North Carolina (east and south of Person, Durham, Chatham, Lee, Moore, and Richmond Counties), Pennsylvania (east and south of Northampton, Lehigh, Cerks, and Lancaster Counties), Rhode Island, and Virginia (east and south of Fairfax, Prince William, Stafford, Spotsylvania, Louisa, Goochland, Cumberland, Prince Edward, Charlotte and Halifax Counties). The purpose of this filing is to eliminate the gateways of (1) points in Florida for (A) and (C) above, and (2) points in Arizona, within 25 miles of Yuma, including Yuma, and points in that part of Texas west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motely, Glasscock, Reagan, Crockett, and Val Verde Counties, Tex., for (B) above. The purpose of this corection is to state the correct Sub-No. E2.

No. MC 19227 (Sub-No. E3) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of June 19, 1974, and republished, as corrected, this issue. Applicant: LEONARD BROS. TRUCKING, INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Commodities* (except boats), the transportation of which because of their 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* moving in connection therewith, between points in Mobile and Baldwin Counties, Ala., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee (east and north of Lake, Dyer, Gibson, Carroll, Decatur, and Wayne Counties), Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (B) (1) *commodities* the transportation of which because of their size and 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* moving in connection therewith, between points in Texas (south of Deaf Smith, Randall, Armstrong, Donley, and Collingsworth Counties, north of Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Callahan, Eastland, Erath, Hood, Johnson, Ellis, Nevaro, and Henderson Counties, and west of Lamar, Delta, Hopkins, Rains, and Van Zandt Counties), on the one hand, and, on the other, points in Alabama (east and south of Cleburne, Clay, Tallapoosa, Elmore, Autauga, Lowndes, Butler, Conecuh, and Escambia Counties), Georgia (east and south of Elbert, Oglethorpe, Clarke, Barrow, Gwinnett, De Kalb, Fulton, and Carroll Counties), South Carolina (east of south of York, Union, Laurens, Greenwood, and Abbeville Counties). The commodities sought in (B) (2) above are restricted to those which are transported on trailers.

(C) (1) *Commodities* (except boats, oil field equipment), the transportation of which because of their 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* moving in connection therewith; between points in Texas (south of Deaf Smith, Randall, Armstrong, Donley, and Collingsworth Counties, north of Andrews, Martin, Howard, Mitchell, Nolan, Taylor, Callahan, Eastland, Erath, Hood, Johnson, Ellis, Nevaro, and Henderson Counties, and west of Lamar, Delta, Hopkins, Rains, and Van Zandt Counties), on the one hand, and, on the other, points in Maryland (east and south of Washington County), New Jersey, New York (east and south of Warren, Saratoga, Albany, Greene, and Delaware Counties), North Carolina (east and south of Stokes, Forsyth, Davidson, Rowan, Cabbarus, and Mecklenburg Counties), Pennsylvania (east and south of Wayne, Lackawanna, Luzerne, Carbon, Schuylkill, Dauphin, Cumberland, and Franklin Counties), Rhode Island, Vermont (except Gran[4] Isle, Chittenden, and Addison Counties), and Virginia (east and south of Clarke, Warren, Page, Rockingham, Augusta, Nelson, Amherst, Bedford, Franklin, and Henry Counties). The commodities sought in (C) (2) above are restricted to those which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Florida. The purpose of this correction is to state the correct Sub-No. E3.

No. MC 19227 (Sub-No. E4) (correction), filed June 14, 1974, published in the FEDERAL REGISTER issue of October 17, 1975, and republished, as corrected, this issue. Applicant: LEONARD BROS. TRUCKING, INC., 2515 North 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* (except oilfield equipment), the transportation of which because of their size or weight requires the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, *and related machinery, tools, parts, and supplies* in connection therewith (restricted against the transportation of oilfield commodities and restricted to the transportation of commodities on trailers), (a) between points in Arizona, on the one hand, and, on the other, points in Arkansas and Louisiana; (b) between points in New Mexico, Nebraska, Kansas, and Oklahoma, on the one hand, and, on the other, points and places in Louisiana; (c) between points in New Mexico, on the one hand, and, on the other, points and

places in Arkansas; and (3) *commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and (4) *self-propelled articles*, each weighing 15,000 pounds or more, *and related machinery, tools, parts, and supplies* moving in connection therewith restricted to commodities which are transported on trailers, (a) between points in California, on the hand, and, on the oher, points in Florida; (b) points in Arizona, on the one hand, and, on the other, points in Florida; (c) between points in Nebraska, Kansas, New Mexico, and Oklahoma, on the one hand, and, on the other, points in Florida; (d) between points in Arkansas (west of Boone, Searcy, Van Buren, Faulkner, Lonoke, Arkansas, Lincoln, Drew, and Ashley Counties), on the one hand, and, on the other, points in Florida; (e) between points in Louisiana (west of Morehouse, Richland, Caldwell, LaSalle, Grant, Rapides, Allen, Jefferson Davis, and Cameron Parishes), on the one hand, and, on the other, points and places in Florida. The purpose of this filing is to eliminate the gateway of (1) and (2)(a)–(c), Texas, or that part of Texas, west of the eastern boundary lines of Lipscomb, Hemphill, Wheeler, Collingsworth, Hall, Motley, Dickens, Kent, Curry, Howard, Glasscock, Reagan, Crockett and Val Verde Counties, Tex.; (3) and (4)(a)–(e), Texas. The purpose of this correction is to state the correct Sub-No. E4.

No. MC 19227 (Sub-No. E6) (correction), filed April 2, 1974, published in the FEDERAL REGISTER issue of November 5, 1975, and republished as corrected, this issue. Applicant: LEONARD BROS. TRUCKING, INC., 2515 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their 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* in connection therewith, between points in that part of Texas south of Culberson, Reeves, Pecos, Crockett, Sutton, Kimble, Mason, Llano, Burnet, Travis, Lee, Burleson, Bryan, Grimes, Montgomery, San Jacinto, Polk, Tyler, Jasper, and Newton Counties, on the one hand, and, on the other, points in that part of Alabama east and south of Cherokee, Calhoun, Talledega, Coosa, Autauga, Lowndes, Wilcox, Monroe, Conecuh, and Escambia Counties, that part of Georgia east and south of Fannin, Murray, Gordon, and Floyd Counties, and South Carolina; and (3) *commodities* except boats and oilfield equipment) the transportation of which because of size or weight requires the use of special equipment, and (4) *self-propelled articles*, each weighing 15,000 pounds or more, *and related machinery, tools, parts, and supplies* in connection therewith, between points in that part of Texas south of Culberson, Reeves, Pecos, Crockett, Sutton, Kimble, Mason, Llano, Burnet, Travis, Lee, Burleson, Bryan, Grimes, Montgomery, San Jacinto, Polk, Tyler, Jasper, and Newton Counties, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey; that part of New York east and south of Seneca, Yates, and Steuben Counties; that part of North Carolina east and south of Swain, Graham, and Cherokee Counties; that part of Pennsylvania east and south of Potter, Elk, Jefferson, Indiana, Westmoreland, and Fayette Counties; Rhode Island; that part of Tennessee east and south of Hawkins, Hamblen, Jefferson, and Sevier Counties; Vermont; that part of Virginia east and south of Buchanan, Dickenson, and Scott Counties; that part of West Virginia east and south of Monongalia, Marion, Harrison, Lewis, Braxton, Clay, Kanawha, Boone, Logan, and Mingo Counties; and the District of Columbia. The purpose of this filing is to eliminate the gateway of Pensacola, Fla. The purpose of this correction is to state the correct Sub-No. E6.

No. MC 60014 (Sub-No. E4) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 2, 1975, anl republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Wisconsin on the one hand, and, on the other, points in New Hampshire, Rhode Island, those in Massachusetts within 35 miles of Boston and those in Connecticut east of a line beginning at the Connecticut State line and extending along U.S. Highway 5 to junction U.S. Highway 44, to junction Interstate Highway 84 ,to junction Connecticut Highway 72, to junction Connecticut Highway 17, to junction Connecticut Highway 146 to Leetes Island, Conn. The purpose of this filing is to eliminate the gateway of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; points in Pennsylvania on and west of a line extending from the Pennsylvania-Maryland State line north along unnumbered highway to York, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to Harrisburg, Pa., thence north along Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14) to junction U.S. Highway 220, (formerly portion Pennsylvania Highway 14), thence along U.S. highway 220 to junction U.S. Highway 15 (formerly portion Pennsylvania Highway 14), thence along U.S. Highway 15 to Trout Run, Pa., thence continuing along U.S. Highway 15 to the Pennsylvania-New York State line, and New York; and Boston, Mass., and points in Massachusetts within 35 miles of Boston.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 60014 (Sub-No. E17) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 2, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their weight or size, require the use of special equipment, between those points in Illinois on and north of a line beginning at the Missouri-Illinois State line along U.S. Highway 24 to U.S. Highway 67, thence along U.S. Highway 67 to Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to junction Interstate Highway 95 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, and Brooke, Hancock, Marshall, and Ohio Counties, W. Va.

NOTE.—The purpose of this correction is to state the correct gateway to be eliminated.

No. MC 60014 (Sub-No. E18) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 2, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee, or both, between those points in Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, on the one hand, and, on the other, those points in Virginia on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateways of Cambridge and Zanesville, Ohio, and West Virginia.

NOTE.—The purpose of this filing is to correct the territorial description.

No. MC 60014 (Sub-No. E23) (correction), filed June 4, 1974, published in the

FEDERAL REGISTER issue of October 14, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transporting of which, by reason of their size or weight, require the use of special equipment, between points in Pennsylvania, on the one hand, and, on the other, those points in Ohio on and south of a line beginning at Lake Erie and extending along Ohio Highway 306 to junction U.S. Highway 382, thence along U.S. Highway 322 to the Ohio-Pennsylvania State line (except those points on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, and those in Licking County, Ohio). The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio.

NOTE.—The purpose of this correction is to clarify the E number.

No. MC 60014 (Sub-No. E25) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 17, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 E. Broad, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in Indiana on and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50 to junction U.S. Highway 50/150, thence along U.S. Highway 50/150 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 66, thence along Indiana Highway 66 to junction Indiana Highway 337, thence along Indiana Highway 337 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line, on the one hand, and, on the other, those points in Ohio to junction Ohio Highway 105, thence on and east of a line beginning at Lake Erie extending along Ohio Highway 163 to junction Ohio Highway 105, thence along Ohio Highway 105 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 423, thence along Ohio Highway 423 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 327, thence along Ohio Highway 327 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 588, thence along Ohio Highway 588 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in Ohio on, south, and east of a line beginning at the Ohio-West Virginia State line extending along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line.

NOTE.—The purpose of this correction is to state the correct territorial description.

No. MC 60014 (Sub-No. E26) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 23, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 45215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between those points in Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along Indiana Highway 18 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction National Interstate Highway 69, thence along National Interstate Highway 69 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana-Ohio State line, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 23 to junction U.S. Highway 22, thence along U.S. Highway 40 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 79, thence along Ohio Highway 79 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Ohio on, south, and east of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 60014 (Sub-No. E28) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of September 3, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, requiring special equipment, restricted so that or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between those points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 358 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 321, thence along Pennsylvania Highway 321 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 118, thence along Pennsylvania Highway 118 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 652, thence along Pennsylvania Highway 652 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Maine, and between points in Pennsylvania on the one hand, and, on the other, those points in Maine on and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 201 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Maine Highway 156, thence along Maine Highway 156 to junction Maine Highway 133, thence along Maine Highway 133 to junction Maine Highway 140, thence along Maine Highway 140 to junction Maine Highway 117, thence along Maine Highway 117 to junction U.S. Highway 302, thence along U.S. Highway 302 to the Maine-New Hampshire State line. The purpose of this filing is to eliminate the gateways of points in New York within 10 miles of Greenwich, Conn., Greenwich, and points in Massachusetts on and east of U.S. Highway 5 and points in Massachusetts within 35 miles of Boston.

NOTE.—The purpose of this correction is to correct the gateway territorial description.

No. MC 61825 (Sub-No. E979) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of July 20, 1977, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, (A) Between those points in Jackson and Mason Counties, W. Va., within 125 miles of Wellsburg, W. Va., and points in Roane, Wirt and Wood Counties, W. Va., on the one hand, and, on the other, points in Ashtabula, Columbi-

ana, Cuyahoga, Geauga, Lake, Mahoning, Portage, Summit and Trumbull Counties, Ohio. (B) Between points in Ashtabula, Columbiana, Cuyahoga, Geauga, Lake, Mahoning, Portage, Summit, and Trumbull Counties, Ohio, on the one hand, and, on the other, those points in Jackson, and Mason Counties, W. Va., within 125 miles of Wellsburg, W. Va., and points in Roane, Wirt and Wood Counties, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 61825 (Sub-No. E987) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of July 27, 1977, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Armstrong, Beaver, Butler, Clarion, Crawford, Forest, Indiana, Jefferson, Lawrence, Mercer, and Venango Counties, Pa., and those points in Clearfield, Elk, Erie and Warren Counties, Pa., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbriar, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, McDowell, Marshall, Mason, Mercer, Mingo, Monroe, Nicholas, Ohio, Pleasants, Putnam, Raleigh, Ritchie, Roane, Summers, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming Counties, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 61825 (Sub-No. E989) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of July 27, 1977, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Cambria County, Pa., and points in Blair County, Pa., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Boone, Brooke, Cabell, Calhoun, Doddridge, Hancock, Jackson, Kanawha, Lincoln, Logan, McDowell, Marshall, Mason, Mingo, Ohio, Pleasants, Putnam, Ritchie, Roane, Tyler, Wayne, Wetzel, Wirt, Wood, and Wyoming Counties, W. Va. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va.

NOTE.—The purpose of this correction is to correct the territorial description.

No. MC 61825 (Sub-No. E996) (correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of July 27, 1977, and republished, as corrected, this issue. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles as are used as construction materials*, between points in Allegheny, Fayette, Somerset and Washington Counties, Pa., and points in Bedford County, Pa., within 125 miles of Wellsburg, W. Va., on the one hand, and, on the other, points in Ohio except points in Belmont and Jefferson Counties. The purpose of this filing to to eliminate the gateway of Coketown, Brooke County, W. Va.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 61825 (Sub-No. E1058), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such Glass as is used as construction material*, except commodities in bulk, those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, from points in Ohio County, W. Va., to points in Tennessee on and east and south of a line beginning at the Tennessee-Virginia State line and extending along Tennessee Highway 70 to junction Tennessee Highway 33 to junction Tennessee Highway 31, to junction U.S. Highway 11-W, to junction Tennessee Highway 62, to junction Tennessee Highway 61, to junction U.S. Highway 27 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Coketown, Brooke County, W. Va. and Clarksburg, W. Va.

No. MC 61825 (Sub-No. E1509), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, and those points in Nebraska on and south and west of a line beginning at the Missouri-Nebraska State line and extending along U.S. Highway 136 and extending west along U.S. Highway 136 to junction Nebraska Highway 4, to junction U.S. Highway 81, to junction U.S. Highway 6, to junction Nebraska Highway 10, to junction Nebraska Highway 2, to junction Nebraska Highway 61, to the Nebraska-South Dakota State line, those points in South Dakota on and west of a line beginning at the Nebraska-South Dakota State line, and extending along South Dakota Highway 73, to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-North Dakota State line; those points in North Dakota on and west of a line beginning at the North Dakota-South Dakota State line, and extending along North Dakota Highway 31, to junction North Dakota Highway 21, to junction North Dakota Highway 6, to junction U.S. Highway 83 to the Canadian-United States International Boundary line, to points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line, and extending along New Jersey Highway 33, thence east along New Jersey Highway 33 to U.S. Highway 9 to Raritan Bay. The purpose of this filing is to eliminate the gateways of Smyth County, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E1060), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, Arkansas, California, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and those points in Kansas on, south and west of a line beginning at the Missouri-Kansas State line, and extending along Kansas Highway 150 to junction Kansas Highway 7, to junction Kansas Highway 10, to junction U.S. Highway 24, to junction U.S. Highway 281, to junction Kansas Highway 9, to junction U.S. Highway 183, to junction U.S. Highway 36, to junction U.S. Highway 83, to the Kansas-Nebraska State line, those points in Nebraska on and west of a line beginning at the Nebraska-Kansas State line, and extending along U.S. Highway 83, to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nebraska-Colorado State line; those points in Colorado on and south of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 6 to junction Colorado Highway 14, to junction U.S. Highway 85, to the Colorado-Wyoming State line; points in Wyoming on and west of a line beginning at the Wyoming-Colorado State line, and extending along Interstate Highway 80 to junction U.S. Highway 287 to junction Wyoming Highway 789, to junction U.S. Highway 310, thence along U.S. Highway 310 to the Wyoming-Montana State line; those points in Montana on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 310 to junction U.S. Highway 87, to junction U.S. Highway 191, to junction Montana Highway 242 to the United States-Canadian International Bound-

ary line to points in New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line at New Jersey Highway 33, thence east to junction U.S. Highway 9 to Raritan Bay. The purpose of this filing is to eliminate the gateways of Smyth County, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E1061), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arkansas, Kansas, Oklahoma, and Texas to points in Delaware. The purpose of this filing is to eliminate the gateways of Smyth County, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E1062), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming, to the District of Columbia. The purpose of this filing is to eliminate the gateway of Smyth County, Va. and Lynchburg, Va.

No. MC 61825 (Sub-No. E1063), filed May 13, 1974. Applicant: ROY STONE TRANSFER, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Idaho, Montana, Oregon and Washington on and west of a line beginning at the Idaho-Utah State line, and extending north along Interstate Highway 15 to junction Idaho Highway 28, to junction U.S. Highway 93 to the United States-Canada International Boundary line, to points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Pennsylvania Highway 281, thence north along Pennsylvania Highway 281 to junction U.S. Highway 219, to junction Pennsylvania Highway 601, to junction Pennsylvania Highway 56, to junction U.S. Highway 22, to junction U.S. Highway 220, to junction U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Smyth County, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E1064), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming on and west of a line beginning at the Mexico-Texas-New Mexico Boundary lines near El Paso, Tex., and extending east and north along the Texas-New Mexico State line to the New Mexico-Oklahoma State line, thence north along the New Mexico-Oklahoma State line to the Colorado-Oklahoma State line, thence east along Colorado-Oklahoma State line to the Colorado-Kansas State line, thence north along the Colorado-Kansas State line to the Kansas-Nebraska State line, thence along the Kansas-Nebraska State line to junction U.S. Highway 281, to junction U.S. Highway 136, to junction U.S. Highway 34, to junction U.S. Highway 283, to junction Nebraska Highway 23, to junction Nebraska Highway 61, to junction U.S. Highway 26, to junction U.S. Highway 385 to the Nebraska-South Dakota State line, points in South Dakota on and west of a line beginning at the South Dakota-Nebraska State line, and extending along U.S. Highway 385, to junction U.S. Highway 85, to the South Dakota-North Dakota State line, those points in North Dakota on and west of a line beginning at the North Dakota-South Dakota State line, and extending along U.S. Highway 85, to the Canadian-United States International Boundary line, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line, and extending along U.S. Highway 202 to junction U.S. Highway 422, to junction U.S. Highway 15 to the Pennsylvania-Maryland State line, thence along the Pennsylvania-Maryland State line to the Pennsylvania-Delaware State line, thence along the Pennsylvania-Delaware State line to the Pennsylvania-New Jersey State line, and thence along the Pennsylvania-New Jersey State line to the point of beginning. The purpose of this filing is to eliminate the gateways of Smyth County, Va. and Martinsville, Va.

No. MC 61825 (Sub-No. E1065), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in California, and those points in New Mexico on, south and west of a line beginning at the Texas-New Mexico State line, and extending along U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 25, to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Arizona State line, those points in Arizona on, south and west of a line beginning at the Arizona-New Mexico State line, and extending along U.S. Highway 60, to junction U.S. Highway 180, to junction Interstate Highway 40, to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line; those points in Nevada on and west of a line beginning at the Nevada-Arizona State line, and extending along U.S. Highway 93 to junction U.S. Highway 95, to junction Nevada Highway 48, to junction Nevada Highway 34, to junction Nevada Highway 8A, to junction Nevada Highway 140, thence along Nevada Highway 140 to the Nevada-Oregon State line, points in Oregon on and west of a line beginning at the Oregon-Nevada State line, and extending along Oregon Highway 140, to junction U.S. Highway 395, to junction Oregon Highway 31, to junction U.S. Highway 97, to junction U.S. Highway 20, to junction Oregon Highway 22, to junction Interstate Highway 5 to the Oregon-Washington State line, thence along the Oregon-Washington State line to the Pacific Ocean, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 19 to junction Pennsylvania Highway 8, to junction Pennsylvania Highway 28, to junction Pennsylvania Highway 36, to junction Pennsylvania Highway 66, to junction U.S. Highway 6, to junction U.S. Highway 219 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of Smyth County, Va. and Martinsville, Va.

No. MC 106606 (Sub-No. E52), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street, SW., Grand Rapids, Mich. 49508. Applicant's representative: Louis E. Cain (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such roofing and roofing materials as are building contractor's materials*, from points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending west along Illinois Highway 17 to junction Illinois Highway 29, thence south on Illinois Highway 29 to junction Illinois Highway 116, thence west on Illinois Highway 116 to junction U.S. Highway 67, thence south on U.S. Highway 67 to junction Illinois Highway 9, thence west on Illinois Highway 9 to the Illinois-Iowa State line, to points in Delaware, Maryland, points in New Jersey on, south and east of a line beginning at the Pennsylvania-New Jersey State line and extending east along Interstate Highway 276 to junction Interstate Highway 295, thence on Interstate Highway 295 to junction U.S. Highway 206, thence south on U.S. Highway 206 to junction New Jersey Highway 70, thence east on New Jersey Highway 70 to junction New Jersey Highway 72, thence east on New Jersey Highway 72 to the Atlantic Ocean, points in Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line and extending east along Interstate Highway 80 to junction Pennsylvania Highway 147, thence south on Pennsylvania Highway 147 to junction Pennsylvania Highway 61, thence south on Penn-

sylvania Highway 61 to junction U.S. Highway 422, thence southeast on U.S. Highway 422 to junction Interstate Highway 276, thence east on Interstate Highway 276 to the Pennsylvania-New Jersey State line, points in West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending southeast along U.S. Highway 33 to junction Interstate Highway 77, thence south on Interstate Highway 77 to junction U.S. Highway 21, thence south on U.S. Highway 21 to the West Virginia-Virginia State line, points in Virginia on and north of U.S. Highway 50, and Washington, D.C. The purpose of this filing is to eliminate the gateways of Whiting, Ind. and the plantsite of Certain-teed Products Corporation at Avery, Ohio.

No. MC 106603 (Sub-No. E54), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street, SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such roofing and roofing materials as are building contractor's materials*, from those points in Illinois bounded in an area beginning at the Illinois-Missouri State line extending north along Interstate Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Interstate Highway 57, thence south on Interstate Highway 57 to junction U.S. Highway 45, thence south along U.S. Highway 45 to junction Illinois Highway 1, thence south on Illinois Highway 1 to the Illinois-Kentucky State line, to points in Delaware; points in Maryland on and northeast of a line beginning at the Maryland-Pennsylvania State line extending along Interstate Highway 70 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Maryland Highway 404, thence along Maryland Highway 404 to the Maryland-Delaware State line; points in New Jersey on and southwest of a line beginning at the Pennsylvania-New Jersey State line extending east along Interstate Highway 276 to junction Interstate Highway 295, thence along Interstate Highway 295 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean; and those points in Pennsylvania on and northeast of a line beginning at the Maryland-Pennsylvania State line extending along Interstate Highway 70 to junction Pennsylvania Highway 31, thence west along Pennsylvania Highway 31 to junction Pennsylvania Highway 136, thence west on Pennsylvania Highway 136 to junction Pennsylvania Highway 51, thence north on Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, and those points in Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line extending along Interstate Highway 80 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Interstate Highway 276, thence along Interstate Highway 276 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateways of Whiting, Ind., and the Plant site of Certain-teed Products Corporation at Avery, Ohio.

No. MC 106603 (Sub-No. E55), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, 200 Colrain Street, SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and roofing materials*, from Joliet, Ill., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, the District of Columbia, points in Virginia on and north of U.S. Highway 50, and points in West Virginia (the plant site of Certain-teed Products Corporation at Avery, Ohio*); and (2) *Such roofing and roofing materials as are building contractor's materials*, from Chicago Heights, Ill., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, the District of Columbia, points in Virginia on and north of U.S. Highway 50, and points in West Virginia (Gary, Ind., excluding the commercial zone of Gary, Ind., and the plant site of Certain-teed Products Corporation at Avery, Ohio.

No. MC 118518 (Sub-No. E1) (Correction), filed February 24, 1976, published in the FEDERAL REGISTER issue of August 4, 1977, and republished, as corrected, this issue. Applicant: MUKLUK FREIGHT LINES, INC., 3111 C Street, Anchorage, Alaska 99503. Applicant's representative: Leo C. Franey, 918 Sixteenth St., NW., Washington, D.C. 20006. 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 requiring special equipment, between points in Alaska, in the Kenai Peninsula, south of an imaginary line extending east and west through Girdwood, Alaska including Girdwood, on the one hand, and, on the other, points in Alaska north of an imaginary line extending east and west through Girdwood, Alaska, except points in the Alaska Panhandle south of Haines, Alaska. The purpose of this filing is to eliminate the gateway of Girdwood, Alaska.

NOTE.—The purpose of this correction is to state the correct docket number which should read "118518" instead of "119518" in earlier publication.

No. MC 123375 (Sub-No. E3) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER issue of August 28, 1975, and republished, as corrected, this issue. Applicant: KIRK TRUCKING SERVICE, INC., 3766 William Penn Highway, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 E. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boilers, boiler parts, economizers, water walls, headers, stokers, powerhouse installation materials, steel and steel products, machinery, contractors' tools and equipment, office equipment, and architects' supplies*, all of which by reason of size or weight require specialized handling or rigging, between points in Maryland, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Connecticut. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

NOTE.—The purpose of this correction is to correct the commodity description.

No. MC 124211 (Sub-No. E99), filed August 22, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, 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 hides and commodities in bulk and frozen foods), (1) from points in Nebraska, to points in Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line, thence over U.S. Highway 51 to junction Wisconsin Highway 26, thence over Wisconsin Highway 26 to junction U.S. Highway 41, thence over U.S. Highway 41 to the Michigan-Wisconsin State line. *(points in Saunders County, Nebr.) (2) from points in Nebraska on and south of a line beginning at the Iowa-Nebraska State line, thence over U.S. Highway 30 to Grand Island, Nebr., thence over Nebraska Highway 2 to the Nebraska-South Dakota State line (except points in Box Butte, Dawes, and Sioux Counties), to points in Wisconsin, *(points in Saunders County, Nebr.) (3) from points in Nebraska on and west of a line beginning at the Nebraska-South Dakota State line, thence over U.S. Highway 83 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 30, thence over U.S. Highway 30 to the Nebraska-Iowa State line, to points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line, thence over U.S. Highway 61 to junction Wisconsin Highway 131, thence over Wisconsin Highway 131 to Tomah, Wis., thence over U.S. Highway 12 to junction U.S. Highway 53, thence over U.S. Highway 53 to junction Wisconsin Highway 178, thence over Wisconsin Highway 178 to junction Wisconsin Highway 27, thence over Wisconsin Highway 27 to

junction U.S. Highway 8, thence over U.S. Highway 8 to junction Wisconsin Highway 13, thence over Wisconsin Highway 13 to Ashland, Wis. *(points in Saunders County, Nebr.). The purpose of this filing is to eliminate the gateway of points indicated by the asterisk.

No. MC 124211 (Sub-No. E100), filed August 23, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, 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 and (except frozen foods, hides, and commodities in bulk), (1) from points in Nebraska in and east of Dakota, Thurston, Cuming, Colfax, Platte, Polk, York, Saline, and Jefferson Counties, Nebr., to points in Wyoming. *(points in Saunders County, Nebr.) (2) from points in Madison County, Nebr., to points in Wyoming, on, west and south of a line beginning at the Montana-Wyoming State line, thence over U.S. Highway 87 to junction U.S. Highway 16, thence over U.S. Highway 16 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 26, thence over U.S. Highway 26 to junction U.S. Highway 287, thence over U.S. Highway 287 to junction U.S. Highway 30, thence over U.S. Highway 30 to the Nebraska-Wyoming State line. (*points in Saunders County, Nebr.) (3) from Grand Island, Nebr., and points in Clay and Hamilton, Counties, Nebr., to points in Wyoming in and west of Park, Teton, Lincoln, and Uinta Counties, Wyo. *(points in Saunders County, Nebr.) The purpose of this filing is to eliminate the gateway of points indicated by the asterisks above.

No. MC 124211 (Sub-No. E103), filed August 23, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, 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 hides and commodities in bulk), (1) from points in Nebraska on, west and south of a line beginning at the Iowa-Nebraska State line, thence over U.S. Highway 30 to junction Nebraska Highway 92, thence over Nebraska Highway 92 to junction Nebraska Highway 61, thence over Nebraska Highway 61 to junction U.S. Highway 26, thence over U.S. Highway 26 to the Nebraska-Wyoming State line, to points in Minnesota (except from points in Washington County, Nebr., to points in Rock County, Minn., and except from points in Scotts Bluff County, Nebr., to points in Minnesota west of U.S. Highway 71). *(points in Saunders County, Nebr.) (2) from points in Nebraska on, west and south of a line beginning at the Iowa-Nebraska State line, thence over U.S. Highway 30 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction Nebraska Highway 32, thence over Nebraska Highway 32 to junction Nebraska Highway 39, thence over Nebraska Highway 39 to junction Nebraska Highway 91, thence over Nebraska Highway 91 to junction Nebraska Highway 2, thence over Nebraska Highway 2 to junction U.S. Highway 385, thence over U.S. Highway 385 to the Nebraska-South Dakota State line, to St. Paul, Minn. *(points in Saunders County, Nebr.) The purpose of this filing is to eliminate the gateway points indicated by the asterisks above.

No. MC 124211 (Sub-No. E107), filed August 25, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common 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 Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles and except frozen foods), from the plant site and storage facilities of National Beef Packing Co. at or near Liberal, Kans., to points in Missouri on, north and east of a line beginning at the Nebraska-Missouri State line, thence over U.S. Highway 136 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 6, thence over Missouri Highway 6 to the Mississippi River, at West Quincy, Mo., and to points in North Dakota on, east and north of a line beginning at the North Dakota-South Dakota State line, thence over North Dakota Highway 3 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 83, thence over U.S. Highway 82 to the United States-Canada International Boundary, and to points in South Dakota on and east of U.S. Highway 281. (*Lincoln, Nebr. and points in Saunders County, Nebr.) The purpose of this filing is to eliminate the gateway of points indicated above by the asterisks.

No. MC 124211 (Sub-No. E111), filed August 25, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common 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 Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except frozen foods, hides, and commodities in bulk), (a) between points in Nebraska on, east and north of a line beginning at the Missouri-Nebraska State line, thence over U.S. Highway 136 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction Nebraska Highway 41, thence over Nebraska Highway 41 to junction U.S. Highway 81, thence over U.S. Highway 81 to the Nebraska-South Dakota State line, on the one hand, and, on the other, points in Oklahoma (except between points in Fillmore, Johnson, Gage, Nemaha, Otoe, and Saline Counties, Nebr., on the one hand, and, on the other, points in Oklahoma east of U.S. Highway 81 and north of Interstate Highway 40). *(Lincoln, Nebr.) (b) between points in Nebraska on, east and north of a line beginning at the Missouri-Nebraska State line, thence over U.S. Highway 136 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction Nebraska Highway 41, thence over Nebraska Highway 41 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to the Nebraska-South Dakota State line at or near Niobrara, Nebr., on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway points indicated by asterisks.

No. MC 124211 (Sub-No. E115), filed August 26, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, 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 frozen foods, hides, and commodities in bulk), (a) from points in Nebraska on, north and east of a line beginning at the Iowa-Nebraska State line, thence over Nebraska Highway 92 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction Nebraska Highway 12, thence over Nebraska Highway 12 to junction U.S. Highway 81, thence over U.S. Highway 81 to the Nebraska-South Dakota State line, to points in Kansas (except from points in Douglas County, Nebr., to points in Doniphan County, Kans.) *(points in Saunders County, Nebr.) (b) from points in Nebraska in and west of Cedar, Wayne, Cuming, Dodge, and Saunders Counties, Nebr., and on north of U.S. Highway 30, to points in Kansas on, east and south of a line beginning at the Kansas-Nebraska State line, thence over U.S. Highway 75 to junction Interstate Highway 35, thence over Interstate Highway 35 to the Kansas-Oklahoma State line. (*points in Saunders County, Nebr.) The purpose of

this filing is to eliminate the gateway of points indicated by asterisks.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-27872 Filed 9-22-77;8:45 am]

[Notice No. 121]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

September 19, 1977.

The following are notices of filing of applications 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 operaitng 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 Commission, Washington, D.C., and also in the ICC Feld Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 1183 (Sub-No. 2TA), filed September 8, 1977. Applicant: EDGEWATER BULK TRUCK CO., P.O. Box 877, 530 Duncan Ave., North Arlington, N.J. 07302. Applicant's representative: Charles J. Irwin, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof, fish oil and vegetable oil*, in bulk, in tank vehicles, from the plant and storage facilities of Archer Daniels Midland Co., Bayonne, N.J.; to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and Washington, D.C. for 180 days. Supporting shipper: Archer Daniels Midland Co. 4666 Faries Parkway, Decatur, Ill., 62525. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 96607 (Sub-No. 10TA), filed September 9, 1977. Applicant: RUCKER BROS. TRUCKING, INC., 1820 Stewart St., Tacoma, Wash. 98421. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated brick wall panels*, from Federal Way, Washington to Portland, Oregon, for 180 days. Supporting shipper: Barshire Construction Co., 1300 South 351st. Federal Way, Wash. 98002. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second Ave., Seattle, Wash. 98174.

No. MC 106603 (Sub-No. 157TA), filed August 29, 1977. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and refractory products composed of periclase* from the plant site of North American Refractories Co. at White Cloud, Mich., to points in Alabama (except Holt, Slocomb, Bessemer, Birmingham, and Anniston, Ala.), Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Tennessee and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: North American Refractories Co., Division of Eltra Cor., Cleveland, Ohio 44114. Send protests to: C. P. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 107460 (Sub-No. 70TA), filed August 24, 1977. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Metal roofing and accessories, from the plant sites of the Fabral Corp. located at or near Lancaster, Pa., and Gridley, Ill., to the Distribution Centers of the Sears and Roebuck Co., located at or near Los Angeles, Calif., and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fabral Corp., 3449 Hempland Road, Lancaster, Pa. 17601. Send protests to: Charles F. Myers, Interstate Commerce Commission, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 111170 (Sub-240TA), filed September 8, 1977. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 N. West Ave., El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum naphtha*, in bulk in tank from Cotton Valley and Shreveport, La. to Bowling Green, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Superior Oil Company, Inc., Box 161041, 2100 Hernando, Memphis, Tenn. 38116. Send protests to: District Supervisor, William H. Land, Jr., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 113908 (Sub-No. 405TA), filed August 15, 1977. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, traffic manager (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (I) *Alcoholic liquors and flavored syrups, in bulk*, from ports of entry on the United States-Republic of Mexico Boundary Line located in Texas, New Mexico, Arizona, and California, to Chicago, Delavan, Peoria, and Pekin, Ill.; Newark and Scobeyville, N.J.; Detroit and Allen Park, Mich.; Union City, San Francisco, Menlo Park, Calif.; Colonial Heights, Va.; Hartford, Conn.; Paducah, Bardstown, and Frankfort, Ky.; Schenley, Pa.; Lawrenceburg, Ind.; and Hood River, Oreg.; (II) (A) *alcoholic liquors*, in bulk, from ports of entry on the United States-Canada Boundary Line located in New York; Pennsylvania; Washington; Detroit and Port Huron, Mich.; and Toledo, Ohio, to Delavan, Peoria, and Pekin, Ill.; Detroit and Port Huron, Mich.; San Francisco, Union City, and Menlo Park, Calif.; and Petersburg, Va.; and (B) *alcoholic liquors*, in bulk, from Scobeyville, N.J.; Pekin, Ill.; San Francisco, Union City, Menlo Park, Lamont, and DiGeorgio, Calif., to ports of entry on the United States-Canada Boundary Line located in New York; Pennsylvania; Detroit and Port Huron, Mich.; and Toledo and Sandusky, Ohio. Restriction: The operations authorized in (A) and (B) above are restricted to the transportation of traffic in foreign commerce only.

(III) (A) *Alcohol, alcoholic liquors, neutral spirits, distilled spirits, wines, brandies, grape and citrus juice and concentrates* thereof, from points in California, to points in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, Ohio, Oregon, Pennsylvania, and Texas; and (B) *alcohol and alcoholic liquors*, in bulk, (1) from points in New York, New Jersey, Pennsylvania, Maryland, Virginia, and Delaware to Peoria and Pekin, Ill.; San Francisco and Union City, Calif.; and Port Huron and Detroit, Mich. Restriction: The operations authorized in (B)(1) above are restricted to the transportation of traffic in foreign commerce only; (2) between the following points: Delavan and Peoria, Ill.; Scobeyville, N.J.; San Francisco, Calif.;

lowing points: Chicago and Pekin, Ill.; Colonial Heights, Va.; Union City, Calif.; Houston, Tex.; Cincinnati and Toledo, Ohio; New Orleans, La.; Detroit, Mich.; and Boston, Mass.; (4) from Pekin, Ill. to Baltimore, Md.; Williamstown, Pa.; and points in New York and New Jersey; and (5) from Schenley, Pa.; Lawrenceburg, Ind.; Frankfort, Bardstown and Paducah, Ky.; Newark and Crosswick, N.J.; to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Barton Brands, Barton Road, Bardstown, Ky. 40004; Giumarra Vineyards Corp.; Edison, Calif. 93303; Heublein, Inc., 330 New Park Avenue, Hartford, Conn. 06106; James B. Beam Distilling Co., Clermont, Ky. 40110; Vie-Dell Company, Fresno, Calif. 93727; California Products, Butler and East Avenues, Fresno, Calif.; Schenley Distillers, Inc., 36 East Fourth Street, Cincinnati, Ohio 45202; Hiram Walker & Sons, Inc., Foot of Edmund Street, Peoria, Ill. 60521; American Distilling Co., Inc., South Front Street, Pekin, Ill. 61554; Bear Mountain Winery, DiGiorgio, Calif.; Mar-Salle Chicago Company, 847 N. Larrabee Street, Chicago, Ill.; Sunkist Growers, Inc., 702 E. Sunkist Street, Ontario, Calif. 91761; Guild Wineries and Distillers, Lodi, Calif. 95240. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114569 (Sub-No. 187TA), filed August 29, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, a division of Mars, Inc., located at or near Waco, Tex., to points in Alabama, Connecticut, Delaware, Georgia, Iowa, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to the transportation of shipments originating at the above origins and destined to the above named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M&M/Mars, Division of Mars, Inc., High Street, Hackettstown, N.J. 07840. Send protests to: Charles F. Myers, Interstate Commerce Commission, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 124221 (Sub-No. 62TA), filed August 31, 1977. Applicant: HOWARD BAER, Rt. 98 W., P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, from Roanoke, Va. to Wilmington, N.C. and Columbia and N. Charleston, S.C.; and (2) *merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (excluding commodities in bulk), in vehicles equipped with mechanical refrigeration, from Cincinnati, Ohio, to Wilmington, N.C. and Columbia and N. Charleston, S.C., restricted to the transportation of traffic originating at and/or destined to a fa- and Detroit, Mich.; (3) between the folcility of The Kroger Company, and further restricted to movements in vehicles equipped with mechanical refrigeration, under a continuing contract or contracts with The Kroger Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Kroger Company, 1014 Vine Street, Cincinnati, Ohio 45201. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 124679 (Sub-No. 82TA), filed August 18, 1977. Applicant: C. R. ENGLAND & SONS, INC., a Utah corporation, 975 West 2100 South Street, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, Nelson, Harding, Richards, Leonard, & Tate, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packing houses as described in Sections A and C of Appendix I to the report in Descriptions and Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at Wallula, Washington, to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Iowa Beef Processors, Inc., c/o Central Traffic, Dakota City, Nebr. 68731, (H. L. Dennison, Senior Transportation Technician). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 124896 (Sub-No. 26TA), filed August 31, 1977. Applicant: WILLIAMSON TRUCK LINE, INC., Thorne & Ralson Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: B. H. Williamson, P.O. Box 3485, Wilson, N.C. 27893. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery products, dessert preparations, and coin operated vending machines and stands* from the facilities of Leaf Confectionery, Inc., located at Chicago, Illinois to Jacksonville, Miami, Orlando, and Tampa, Florida; Atlanta, Georgia; Charlotte, North Carolina; Columbia, South Carolina and Knoxville, Memphis, and Nashville, Tennessee and points in their respective commercial zones, 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Leaf Confectionery, Inc., Distribution Manager, 1155 North Cicero Avenue, Chicago, Illinois 60651. Send protests to: Mr. Archie W. Andrews, D/S, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC127539 (Sub-No. 58TA) (correction), filed August 1, 1977, published in the FEDERAL REGISTER issue of August 10, 1977, and republished this issue. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Ave. East, Tacoma, Wash. 98421. Applicant's representative: Michael D. Duppenthaler, 515 Lyon Building, 607 Third Ave., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine and dessert topping*, from the plant site and facilities utilized by Lever Brothers Company, located at or near Los Angeles, Calif., to Portland, Oreg. and Milwaukie, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lever Brothers Company, 6300 East Sheila St., Los Angeles, Calif. 90022. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174. The purpose of this republication is to correct Portland Oreg., and Milwaukie in lieu of Portland Oreg. which published in error.

No. MC 129645 (Sub-No. 65TA), filed August 29, 1977. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: H. G. Denny (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring systems, hardwood flooring, and accessories* used in the installation thereof in straight or mixed shipments (except that which because of size or weight requires the use of special equipment or handling and except commodities in bulk), loose or in bundles, from the plant and warehouse sites of Horner Flooring Company located at Dollar Bay, Mich., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Virginia, West Vir-

ginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Horner Flooring Company, Dollar Bay, Mich. 49922. Send protests to: C. R. Fleeming, District Supervisor, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 134599 (Sub-No. 157TA), filed September 9, 1977. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, aquarium accessories, and household pet cages, supplies and equipment*, from East Paterson (Elmwood Park), and Maywood, N.J.; and points in their commercial zones to points in Florida, Georgia, North Carolina, South Carolina, Louisiana, Texas, Virginia, and West Virginia, under a continuing contract with Mattle, Inc., for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Ave., Hawthorne, Calif, 90250. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State St., Salt Lake City, Utah 84138.

No. MC 135236 (Sub-No. 23TA), filed September 9, 1977. Applicant: LOGAN TRUCKING, INC., 801 Erie Ave., Logansport, Ind. 46947. 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: *Malt beverages*, from Orange, N.J., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missounri, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rheingold Breweries, Inc., 119 Hill St., Orange, N.J. 07052. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 139009 (Sub-No. 2TA), filed August 22, 1977. Applicant: R. & W. EXPRESS, INC., 6861 Main Street, Lithonia, Ga. 30045. Applicant's representative: Virgil H. Smith, Suite 12, 1597 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the TOFC facilities of Southern Railroad in Fulton County, Ga., on the one hand, and points in DeKalb, Gwinnett, Newton, Rockdale, Morgan and Walton Counties, Ga.; on the other hand; restricted to the transportation of traffic having a prior or subsequent movement by rail in trailer-on-flatcar service, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bio-Lab, P.O. Box 1489, Decatur, Ga.; C. R. Bard, Inc., 8195 Industrial Park, Covington, Ga. 30209; Kubota Tractor Corp., 1828 Meca Way, Norcross, Ga. 30093; Lithonia Lighting, Division of National Service Industries, Inc.; Interamerican Transport Systems Inc., 5425 Dixie Rd., Mississauga, Ont. L4W 1E6; John S. Frey Enterprises, 1035 S. Access Rd., P.O. Box 365, Conyers, Ga. 30307; Trailer Mate Inc., 1900 Emery Street, Suite 412, Atlanta, Ga. 30318; and Metro Shippers, Inc., P.O. Box 1023, Smyrna, Ga. 30080. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree St. NW., Rm. 300, Atlanta, Ga. 30309.

No. MC 139858 (Sub-No. 10TA), filed: August 30, 1977. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Avenue, Hamilton, Ohio 45015. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Plumbers' goods and fittings, and materials, supplies and equipment* used in the manufacture and distribution thereof, (1) from Louisville, Ky., to points in Nebraska, Indiana, Ohio, and Michigan; (2) from Bauxite, Ark., to Paintsville, KY.; (3) from Nashville, Tenn., to Louisville and Paintsville, Ky.; Kokomo, Ind.; Tiffin, Ohio; Trenton, N.J.; New Orleans, La.; Wauregan, Conn.; and Torrance, Calif.; (4) from Los Angeles, Calif., to Louisville and Paintsville, Ky., and Hamilton, Ohio; (5) from Tiffin, Ohio, to points in Kentucky, West Virginia, Michigan, Illinois, Indiana, Pennsylvania, New York, Wisconsin, North Carolina, South Carolina, Tennessee, and St. Louis, Mo.; (6) from Southard, Okla., to Kokomo, Ind., and Tiffin, Ohio; (7) from Andrews, S.C., and Robbins, N.C., to Trenton, N.J.; and (8) from Grand Rapids, Mich., to Paintsville, Ky.; and (B) *Firebrick and clay*, from Mexico, Mo., to Huntington, Ind., restricted to traffic originating at or destined to the facilities of American Standard Inc., under a continuing contract or contracts with American Standard Inc., of New Brunswick, N.J., for 180 days. Supporting shipper(s): American Standard Inc., P.O. Box 2003, New Brunswick, N.J. 08903. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 141783 (Sub-No. 3TA), filed September 7, 1977. Applicant: HARRIGILL TRUCKING CO., 203 Highway 51 North, Brookhaven, Miss. 39601. Applicant's representative: Jerry H. Blount, Suite LI62, Capital Towers, 125 South Congress St., Jackson, Miss. 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper wrapping*, NOI (other than vegetable parchment) printed or imprinted or not printed or imprinted; *pulpboard or fibreboard*, NOI not corrugated consisting of not less than 80 percent wood pulp, *waste paper or straw pulp or mixture thereof;* and on return, *supplies and equipment* used in the manufacture of paper, from the plant site and/or storage facilities of St. Regis Paper Co. located at or near Ferguson, Miss.; to all points and places located within the State of Texas, and return, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Send protests to: St. Regis Paper Co., P.O. Box 608, Monticello, Miss. 39654. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Rm. 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 143331 (Sub-No. 1TA) (correction), filed July 29, 1977, and published in the FEDERAL REGISTER issue of August 24, 1977, and republished this issue. Applicant: FREIGHT TRAIN TRUCKING, INC., 4906 East Compton Blvd., P.O. Box 817, Paramount, Calif. 90723. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottle or can carriers*, from Fullerton, Calif. to Casa Grande, Phoenix and Tucson, Ariz.; and Portales, N. Mex., under a continuing contract, or contracts, with Hi-Cone Division, Illinois Tool Works, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER(S) Hi-Cone Division, Illinois Tool Works, Inc., 500 S. State College Blvd. Fullerton, Calif. SEND PROTESTS TO: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Rm. 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012. The purpose of this republication is to correct MC 143331 (Sub-No. 1TA) in lieu of MC 14331 (Sub-No. 1TA) which was published in error.

No. MC 143445 (Sub-No. 1TA), filed September 7, 1977. Applicant: MMAR TRANSPORTATION, INC., 36 Weldon Road, Matawan, N.J. 07747. Applicant's representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities of unusual value, and commodities requiring the use of special equipment), restricted to traffic moving on bills of lading of Freight Forwarders as defined in Section 402(a)(5), between New York, N.Y., Baltimore, Md., Newark, N.J., Philadelphia, Pa., New Haven, Conn., Holyoke and Boston, Mass., St. Louis, Mo., Chicago, Ill., and Milwaukee, Wis., and

points in their respective commercial zones, on the one hand, and, on the other, Chicago and Rockford, Ill., Milwaukee, Wis., Los Angeles, San Francisco, San Diego, Fresno, Emeryville, and Sacramento, Calif., Phoenix, Ariz., Reno, Nev., Seattle and Spokane, Wash., Portland, Ore., and Salt Lake City, Utah, and points in their respective commercial zones, restricted against transportation between St. Louis, Mo., Chicago, Ill., and Milwaukee, Wis., and their respective commercial zones, on the one hand, and, on the other, Chicago and Rockford, Ill., and Milwaukee, Wis., and points in their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Lifschultz Fast Freight, Inc., 28 N. Franklin Street, Chicago, Ill. 60606; Westransco Freight Company, P.O. Box 54810, Los Angeles, Calif. 90054; Arrow-Lifschultz Freight Forwarders, Inc., 386 Park Avenue South, New York, N.Y. 10016; Coast Carloading Co., P.O. Box 54293, Los Angeles, Calif. 90034. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 143574 (Sub-No. 1TA), filed August 17, 1977. Applicant: BAY STATE TAXI, INC., 156 Lawton Street, Brookline, Mass. 02146. Applicant's representative: Bertram E. Snyder, 160 State Street, Boston, Mass. 02109. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Packages of computer printout* and other *related paper products associated with computer processing*, from Boston, Mass., and the commercial zone of Boston, Mass., to Manchester and Amherst, N.H. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 30 pounds or exceeding 36 inches in length and girth combined and each package or article shall be considered as a separate and distinct shipment; (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor at one location, to one consignee at one location on any one day; and (3) Service provided in the transportation of Packages or articles herein shall be accomplished within twelve hours of when the package or article is tendered for transportation, under a continuing contract or contracts with Itel Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Itel Corporation, 850 Boylston Street, Chestnut Hill, Mass. 02190. Send protests to District Supervisor John B. Thomas, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114.

No. MC 143658TA, filed August 23, 1977. Applicant: SIERRA TRUCKING CORP., 1490 East Second Street, Reno, Nev. 89502. Applicant's representative: Mike Soumbeniotis, 402 North Division Street, Carson City, Nev. 89701. Authority sought to operate as a *common-carrier*, by motor vehicle, over irregular routes, transporting: (1) Barite, in bulk, in dump vehicles, from points in Nye County, Nev., to Rosamond (Kearn County), Calif., (2) soda ash, (a) from Searles Lake (Inyo County), Calif., to Silver Peak (Esmeralda County), Nev., and Gabbs (Nye County), Nev.; and (b) from Mina (Mineral County), Nev., to Silver Peak (Esmeralda County), Nev., and Pinecreek-Rovana (Inyo County), Calif., (3) lime, from Searles Lake (Inyo County), Calif., to Weed Heights (Lyon County), Nev., Battle Mountain (Lander County), Nev., and Silver Peak (Esmeralda County), Nev.; and (4) sulphuric acid, from railhead at Battle Mountain (Lander County), Nev., to Gabbs (Nye County), Nev., for 180 days. Supporting shipper(s): Stauffer Chemical, P.O. Box 3050 Rincon Annex, San Francisco, Calif. Foote Mineral Company, Route 100, Exfon, Pa. Basic Refractories (Division of Basic Inc.), Gabbs, Nev. All Minerals Corporation, 5510 South 300 West, Murray, Utah. Anaconda Company, Weed Heights, Nev.; and Duval Corporation, Battlemountain, Nev. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 N. Plaza Street, Carson City, Nev. 89701.

No. MC 143661TA, filed August 30, 1977. Applicant: SOLAR TRANSPORT, INC., P.O. Box 296, Palestine, Tex. 75801. Applicant's representative: Kenneth R. Hoffman, 1100 Milam Bldg., Suite 3300, Houston, Tex. 77002. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Solar panels*, and *parts and accessories* for solar panels (except commodities in bulk), from the facilities of or utilized by Solar Manufacturing Inc., located at or near Palestine, Tex., to points in California, Atlanta, Ga., Baltimore, Md., Chicago, Ill., Denver, Colo., and points in their respective commercial zones; and (B) *materials, equipment and supplies* utilized in the manufacture, distribution, sale, or installation of the commodities in (1) above (except commodities in bulk), from points in California, Missouri, New Jersey, and Atlanta, Ga., Baltimore, Md., Chicago, Ill., Denver, Colo., and points in their respective commercial zones, to the facilities of or utilized by Solar Manufacturing, Inc., located at or near Palestine, Tex., under a continuing contract or contracts with Solar Manufacturing, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Solar Manufacturing, Inc., P.O. Box 352, Palestine, Texas 75801. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, Room 13012, Dallas, Texas 75242.

No. MC 143663TA, filed August 30, 1977. Applicant: B.C.T. TRUCKING CO., 6501 South High, P.O. Box 6560, Moore, Okla. 73160. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bathroom vanities*, with marble tops, in specially designed cartons, in multiple drop shipments, from Beauty Craft Tile, Inc., Oklahoma City, Okla., to points and places in Arkansas, Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas; and (2) *materials, supplies and equipment*, used in the manufacture and assembly of bathroom vanities, from Los Angeles, Calif., and Sylacauga, Ala., to Oklahoma City, Okla., under a continuing contract, or contracts, with Beauty Craft Tile for 180 days. Supporting shipper: Beauty Craft Tile of the Southwest, Inc., 6501 South High, Moore, Okla. 73160. Send protests to: Joe Green, District Supervisor, R Interstate Commerce Commission, Room 240 Old Post Office and Court House Bldg., 215 Northwest 3rd, Oklahoma City, Okla. 73101.

No. MC 143674 (Sub-No. 1TA) filed September 7, 1977. Applicant: CUONO CERCIELLO, doing business as CERCIELLO TRUCKING CO., 186 Twelfth St., Belford, N.J. 07718. Applicant's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt paver, cement, lime, sand, stones, and gravel, mortar and sand mixes*, from Gibbsboro, N.J., to points in Delaware, Maryland, and Pennsylvania, under a continuing contract or contracts with Home Crete Division of G. & W. H. Corson, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Home Crete Division of G. and W. H. Corson, Inc., P.O. Box 97, Gibbsboro, N.J. 08026. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State St., Rm. 204, Trenton, N.J. 08608.

No. MC 143685 (Sub-No. 1TA), filed September 8, 1977. Applicant: SCRAP METALS TRUCKING CO., P.O. Box 1451, Portsmouth, Ohio 45662. Applicant's representative: Richard H. Brandon, 220 West Bridge St., P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and steel*, in dump vehicles, between the facilities of Portsmouth Iron and Metal Co., Portsmouth, Ohio, and the facilities of Connors Steel Co., Huntington, W. Va., restricted to transportation service to be performed under a continuing contract, or contracts, with Portsmouth Iron and Metal Co., Portsmouth, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert Levine, President, Portsmouth Iron and Metal Co., P.O. Box 1451, Portsmouth, Ohio 45662. Send protests to: Paul J.

Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main St., Cincinnati, Ohio 45202.

No. MC 143689TA, filed September 9, 1977. Applicant: KRIMBEL TRUCKING CO., INC., 1490 19th NW., P.O. Box 1023, Issaquah, Wash. 98027. Applicant's representative: Henry Winters, 15 South Grady Way, Suite 235, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Red cedar shakes, shingles and trim*, from points in Washington and Oregon west of Cascade Range summit to points in California and Nevada, for 180 days. Supporting shipper: There are approximately 3 shippers of support attached to the application which may be examined at Interstate Commerce Commission, in Washington, D.C. or copies thereof may be examined at the field office below. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 143690 TA, filed September 9, 1977. Applicant: R. J. SCHMITT AGRI-BUSINESS, INC., R.R. 2, Sun Prairie, Wis. 53590. Applicant's representative: Michael J. Wyngaard, 329 West Wilson St., Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients, vitamin and mineral base mixtures, animal health aids, and insecticides*, from the plantsites and warehouse facilities of Vita Plus Corp. at Madison and Columbus, Wis., to points in Minnesota, Iowa, Illinois, Indiana, and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vita Plus Corp., 1508 West Badger Rd., Box 9126 Madison, Wis. 53713. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson St., Rm. 202, Madison, Wis. 53703.

PASSENGER APPLICATION

No. MC 1515 (Sub-No. 238TA), filed August 26, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Suite 1602, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken, Greyhound Tower, Phoenix, Ariz. 85077. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and express and newspapers in the same vehicle with passengers: Route A, between Chicago and the junction of Interstate Highway 90 and Illinois Highway 194, from Chicago over Interstate Highway 94 to the junction of Illinois Highway 194, thence over Illinois Highway 194 to junction Interstate Highway 90. Service is not authorized at intermediate points except for purpose of joinder. Route B, passengers and their baggage and express and newspapers in the same vehicle with passengers, between the junction of Northwest Tollway and Arlington Heights Road and junction of Northwest Tollway and Arlington Heights Road and junction of Northwest Tollway and Interstate Highway 90, via Elk Grove Village, from the junction of Northwest Tollway and Arlington Heights Rd., over Arlington Heights Road to the junction Higgins Rd. (Elk Grove Village) thence over Higgins Rd. to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Northwest Tollway, and return over the same route, serving all intermediate points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Harriet M. Mueller, 1050 Crestwood, Apt. No. 1636, Elk Grove Village, Ill. 60007; Helen Wisnowski, 1050 Crestwood, Apt. No. 1634, Elk Grove Village, Ill. 60007; Estelle Zdzieblowski, 1230 South Prairie, Arlington Heights, Ill. 60005; Marilyn Hansen, 86 Brantwood, Elk Grove Village, Ill.; Brenda Bantner, 752 Milbeck Ave., Elk Grove Village, Ill. 60007; William T. James, 7 Oakwood Drive, Elk Grove Village, Ill. 60007; Mitchell Janiss, 575 Birchwood, Elk Grove Village, Ill. 60007; Michael Talbot, 60 Gordon St., Elk Grove Village, Ill. 60007; A. F. Wilson, 1717 Busse, Elk Grove Village, Ill.; Evangeline M. Couture, 2300 Devon, Elk Grove, Ill. 60007; and Rochelle M. Fosco, 767 Wellington, Elk Grove Village, Ill. 60007. Sent protest to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 2020 Federal Building, 230 N. First Avenue, Phoenix, Ariz. 85025.

By the Commission,

H. GORDON HOMME,
Acting Secretary.

[FR Doc.77-27874 Filed 9-22-77;8:45 am]

[Notice No. 122]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 20, 1977.

The following are notices of filing of applications 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 Secertary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 17745 (Sub-No. 10 TA), filed September 7, 1977. Applicant: CONTRACTORS CARGO COMPANY, 11100 South Garfield Avenue, South Gate, Calif. 90280. Applicant's representative: John H. Briggs, 11100 South Garfield Avenue, South Gate, Calif. 90280. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kiln section*, between Fontana, Calif., and Nelson, Ariz., under a continuing contract, or contracts, with Kaiser Steel Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kaiser Steel Corp., P.O. Box 217, Fontana, Calif. 92335. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 30844 (Sub-No. 594 TA), filed September 2, 1977. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: John P. Rhodes, 2125 Commercial Street, Waterloo, Iowa 50702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electronic products, electronic parts and accessories, tools and supplies* used in installation and repair of electronic products and such merchandise as is dealt in by electronic retailers and distributors, from the warehouse and facilities of Lafayette Radio Electronics Corp., located at Syosset, N.Y., and Hauppague, N.Y., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lafayette Radio Electronics Corp., 111 Jericho Turnpike, Syosset, L.I., N.Y. 11791. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 32882 (Sub-No. 82TA), filed September 7, 1977. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., P.O. Box 17039, Portland, Oreg. 97217. Applicant's representative: Mr. Lex F. Page, 3841 North Columbia Boulevard, Portland, Oreg. 97217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Animal feed and feed ingredients*; from the plantsites and facilities of Albers Milling Co., at or near Santa Rosa, Stockton, and Fresno, Calif., to Klamath Falls, Medford, Grants Pass, Eugene, Albany, Roseburg, Salem, Portland, Redmond, Bend, and The Dalles, Oreg.; and Lynden, Bellingham, Mount Vernon, Puyallup, Tacoma, Chehalis, Winlock, Buckley, Olympia, Sunnyside, and Spokane, Wash., for 180 days. (Restricted from the movement of bulk commodities in tank vehicles.) Supporting shipper(s): Albers Milling Co., 1118 Northwest Front Street, Portland, Oreg., 97209. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 102567 (Sub-No. 200TA), filed September 1, 1977. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, 4295 Meadow Lane, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste petroleum sulfide*, in bulk, in tank vehicles, from points in Union County, Ark., to all points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): T & T Chemical, P.O. Box 782, El Dorado, Ark. 71730. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Avenue, 9038 Federal Building, New Orleans, La. 70113.

No. MC 103066 (Sub-No. 62TA), filed September 7, 1977. Applicant: STONE TRUCKING COMPANY, 4927 S. Tacoma, P.O. Box 2014, Tulsa, Okla. 74101. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 North Classen, Oklahoma City, Okla. 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as defined by the Commission, from Omaha, Madison and Fremont, Nebr., and Sioux City, Iowa, to points in Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armour Food Company, 111 West Clarendon Avenue, Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Joe Green District Supervisor, Room 240, Old Post Office & Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 107002 (Sub-No. 516TA), filed September 7, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: Edward M. Regan, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dinitro ortho secondary butyl phenol*, in bulk, in tank vehicles, from Alpine Laboratories located in Baldwin County, Ala., to Richmond, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alpine Laboratories, Inc., P.O. Box 147, Bay Minette, Ala. 36507. Send protests to: Alan C. Tarrant District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107496 (Sub-No. 1104TA), filed September 2, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road oil*, in bulk, from Casper, Wyo., to all points in South Dakota, east of South Dakota Highway 45 and east of a line from Platte, S. Dak., south through Fairfax, S. Dak., to the Nebraska State line, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Little America Refining Co. P.O. Box 510, Eavansville, Wyo. 82636. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 1105TA), filed September 2, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural*, in bulk, from the plantsite of Quaker Oats Company at Cedar Rapids, Iowa, to Omaha, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quaker Oats Co. P.O. Box 3514, Chicago, Ill. 60654. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa. 50309.

No. MC 108223 (Sub-No. 22TA), filed September 1, 1977. Applicant: CENTURY-MERCURY MOTOR FREIGHT, INC., 2160 Mustang Drive, St. Paul, Minn. 55112. Applicant's representative: Warren K. Wahoske, 2160 Mustang Drive, St. Paul, Minn. 55112. 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 construction site of the Indus School, located 2½ miles west of Inuds, Minn. as an off route point in connection with carriers presently authorized regular operations to and from International Falls, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

NOTE.—Carrier intends to tack the authority here applied for to another authority held by it, and to interline with other carriers.

Supporting shipper(s): Witcher Construction Co., 400 2nd Ave. So., Minneapolis, Minn. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 111401 (Sub-No. 500TA), filed September 1, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632,, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, crude petroleum treating compound*, in bulk, in tank vehicles, from Sands Springs, Okla., to points in North Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Arco Chemical Company, P.O. Box 370, Sands Springs, Okla. 74063. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 111729 (Sub-No. 717TA), filed September 2, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media of all kinds*, between Nashville, Tenn., on the one hand, and, on the other, points in South Carolina, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kuhn's Big K Stores, 3040 Sidco Drive, Nashville, Tenn. 37204. Send protests to: Maria B. Kejss Transportation Assistant Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111170 (Sub-No. 239TA), filed August 31, 1977. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, 2811 N. West Ave., El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore, P.O. Box 1718, El Dorado, Ark. 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, in tank vehicles, from East Camden, Ark., to Campti, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kerr-McGee Chemical Corporation, Keer-McGee Center, Oklahoma City, Okla. 73125. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office

Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 112593 (Sub-No. 20TA), filed September 2, 1977. Applicant: Sidney W. Johnson, d.b.a. SOUTHWESTERN FILM SERVICE, 6767 Guadalupe Tr. N.W., Albuquerque, N. Mex. 87107. Applicant's representative: Sidney W. Johnson, 1999 Candelaria, N.E., Albuquerque, N. Mex. 87107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Books, magazines, and newspapers* from Denver, Colo.; to Gallup, New Mexico, over Interstate 25 from Denver, Colo., to Albuquerque, N. Mex. Then over Interstate 40 to Gallup, N. Mex., and return over same routes, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Walter Tyler, Gallup Distributing Co., 503 North Third Street, Gallup, N. Mex. 87301. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, N. Mex. 87101.

No. MC 118202 (Sub-No. 75TA), filed September 6, 1977. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, Minn. 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and articles distributed by meat packing plants* (except hides and commodities in bulk), from the plantsite of Geo. A. Hormel and Co., at Austin, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee and Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 119090 (Sub-No. 3TA), filed September 6, 1977. Applicant: THRUWAY FREIGHT LINES, INC., P.O. Box 56, Elmwood Park, N.J. 07407. 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: *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 the use of special equipment, which are at the time moving on bills of lading of freight forwarders under part IV of the Interstate Commerce Act, between Philadelphia, Pa., Wilmington, Del., on the one hand, and, on the other, Baltimore, Md., and Washington, D.C. and points and places in Delaware, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Florida-Texas Freight, Inc., 115 Moonachie Avenue, Moonachie, N.J. 07074. All Cargo Forwarders, Inc., P.O. Box 361, Carlstadt, N.J. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 119628 (Sub-No. 2TA), filed September 8, 1977. Applicant: GARMARC TRANSPORTATION CO., INC., 11 Independence St., Rochester, N.Y. 14611. Applicant's representative: S. Michael Richards, Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen beef*, between Rochester, N.Y., on the one hand, and, on the other, all points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, under a continuing contract, or contracts, with Double B. Corporation, for 180 days. Supporting shipper(s): Double B Corporation, 571 Colfax Street, Rochester, N.Y. 14606. Send protests to: Morris H. Gross District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton St., Room 1259, Syracuse, N.Y. 13202.

No. MC 119741 (Sub-No. 81TA), filed September 2, 1977. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, R.F.D. 2, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, Iowa 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), 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, from the facilities of Sioux-Preme Packing Co., at or near Sioux Center, Iowa, to points in Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sioux-Preme Packing Co., Highway 75 South, Sioux Center, Iowa 51250. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 119789 (Sub-No. 370TA), filed September 1, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, between Columbia and Moberly, Mo., on the one hand, and on the other, points in and east of Texas, Arkansas, Missouri, Iowa, and Minn., restricted to shipments originating at or destined to plantsites or warehouse facilities of McGraw-Edison Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): McGraw-Edison Company, P.O. Box U, Columbia, Mo. 65201. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 119988 (Sub-No. 125TA), filed September 6, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Hwy 103 East, Lufkin, Tex. 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable and prefabricated horse barns and stalls and related materials, supplies and equipment* when moving in connection therewith, from Lufkin, Tex., to points in Oklahoma, Louisiana, Arkansas, Mississippi and Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Port-A-Horse Industries, Inc. 1220 Abney Street, P.O. Box 1524, Lufkin, Tex. 75901. Send protests to: John F. Mensing District Supervisor, Interstate Commerce Commission, 8610 Federal Building, 515 Rusk, Houston, Tex. 77002.

No. MC 124306 (Sub-No. 34TA), filed September 1, 1977. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terephthalic acid*, in tote bins, on rack trailers, from the plantsite of Hercofina at or near Wilmington, N.C., to the plantsite of Firestone at or near Hopewell, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hercofina, P.O. Box 327, Wilmington, N.C. 28401. Send protests to: Archie W. Andrews District Supervisor, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 126539 (Sub-No. 32TA), filed August 30, 1977. Applicant: KATUIN BROS. INC., 102 Terminal St., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from the facilities of C. F. Industrial located at or near Albany, Ill., to points in Illinois, Iowa, Minnesota and Wis., for 180 days. Supporting shipper(s): CENEX, P.O. Box 43089, St. Paul, Minn. 55164. Midland Cooperatives, Incorporated, 2021 East Hennepin Avenue,

New Mexico, Oklahoma, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mobil Oil Corp., 8350 North Central Expressway, No. 522, Dallas, Tex. 75206. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 140665 (Sub-No. 14TA), filed September 1, 1977. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric lamps, Christmas tree lamp outfits, electric cord sets, dry cell batteries, portable battery chargers, and ma'erials and supplies* used in the manufacture and distribution of the above, from Winchester, Va.; St. Louis, Mo.; Mattoon, Ill.; and Lexington, Ky., to points in Arizona, California, Colorado, Idaho, New Mexico, Utah, Nevada, Wyoming, Montana, Oregon, and Washington, for 180 days. Supporting shipper(s): General Electric Co., Nela Park, East Cleveland, Ohio 44113. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140829 (Sub-No. 65TA), filed August 30, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: Donald L. Stern, Suite 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: *Fresh meats and packinghouse products* from the plantsites and storage facilities of Wilson Foods Corp. at Albert Lea, Minn.; Cherokee, Cedar Rapids, and Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, for 180 days. Supporting shipper(s): Wilson Foods Corp., J. P. Zumwalt, General Manager/Distribution and Transportation, 4545 Lincoln Boulevard, Oklahoma City, Okla. 73105. Send protests to: District Supervisor Carroll Russell, Suite 6200, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 141138 (Sub-No. 9TA), filed September 6, 1977. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, Ill. 62221. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry feed ingredients*, between Shelby County, Tenn., on the one hand, and, on the other, points in Mississippi and Tennessee for 180 days. Supporting shipper(s): William F. McClusky, Distribution Production Manager, Supersweet Dixie (formerly Dixie Mills Co.), a division of International Multifoods, Inc., 1731 Channel Avenue, Memphis, Tenn. 38113; Harold McGeorge, Area Operator Manager, Cargill, Inc., Nutrena Feed Division, 4943 Stephenson Road, Memphis, Tenn. 38113. Send protests to: District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 141290 (Sub-No. 3TA), filed September 6, 1977. Applicant: AJF CONSOLIDATORS CO., 250 Great Southwest Parkway SW., Atlanta, Ga. 30336. Applicant's representative: Kim G. Meyer, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by trading stamp redemption centers, from New Orleans, La., to points in Louisiana and Mississippi, under a continuing contract, or contracts, with Top Value Enterprises, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Top Value Enterprises, Inc., P.O. Box 456, Dayton, Ohio 45401. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 141914 (Sub-No. 18TA), filed August 31, 1977. Applicant: FRANSK AND SON, INC., Route 1, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, Okla. 74332. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden products* such as ice cream sticks and spoons, coffee stirrers, cocktail forks, skewers, tongue depressors, and cervical scrapers, from Guilford, Maine, to points in Arizona, Texas, Kansas, Missouri, Nebraska, North Dakota, Minnesota, Wisconsin, Tennessee, Louisiana, Florida, Georgia, and Arkansas, for 180 days. Supporting shipper(s): Hardwood Products Co., Guilford, Maine. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 142268 (Sub-No. 21TA), filed September 6, 1977. Applicant: GORSKI BULK TRANSPORT, INC., R.R. 4, Harrow, Ontario, Canada. Applicant's representative: Bernard S. Gorski, 843 Central, Windsor, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, from United States and Canada International Boundary lines at points in Michigan and N.Y., to Peoria, Ill., and Scobeyville, N.J.; and from Peoria, Ill., to Scobeyville, N.J., for 180 days. Supporting shipper(s): Hiram Walker & Sons, Inc., Foot of Edmund Street, Peoria, Ill. 61601. Dean J. Anderson, General Traffic Manager. Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 142268 (Sub-No. 22TA), filed September 6, 1977. Applicant: GORSKI BULK TRANSPORT, INC., R.R. 4, Harrow, Ontario, Canada. Applicant's representative: Bernard S. Gorski, 843 Central Avenue, Windsor, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and soybean products*, dry, in bulk, in tank vehicles, from plant and storage facilities of Archer Daniels Midland Co., Decatur, Ill., to United States and Canada International boundary ports of entry in Michigan, Minnesota, and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Archer Daniels Midland Co., 4666 Faries Parkway, P.O. Box 1470, Decatur, Ill. 62525, and Wilson K. Cassell, Traffic Manager of Liquid Trucking. Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 142716 (Sub-No. 2TA), filed September 1, 1977. Applicant: C & L TRUCKING, INC., 1609 27th Street NW., Cedar Rapids, Iowa. 52405. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from the facilities of CF Industries, Inc., located at or near Albany, Ill., to points in Iowa, Illinois, Minnesota, and Wisconsin, for 180 days. Supporting shipper(s): Land O'Lakes Agricultural Services, 2827 8th Avenue South, Fort Dodge, Iowa. 50501, CENEX, P.O. Box 43089, St. Paul, Minn. 55164, Midland Cooperatives, Incorporated, 2021 East Hennepin Avenue, Minneapolis, Minn. 55413, FS Services, Inc., 1701 Towanda, Bloomington, Ill. 61701, CF Industries, Inc., Salem Lake Drive, Long Grove, Ill. 60047. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 143656 (Sub-No. 1TA), filed September 7, 1977. Applicant: GOLD LEAF TRUCKING COMPANY, 2927 Retnag Road, Petersburg, Va. 23803. Applicant's representative: William H. Robinson, Jr., 1400 Ross Building, Richmond, Va. 23219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Wakefield and McKenny, Va., to points in Virginia, Ohio, West Virginia, Pennsylvania, Maryland, Massachusetts, New Hampshire, New Jersey, Tennessee, New York, Connecticut, Delaware, Rhode Island, District of Columbia, Kentucky, Maine, and Vermont, under a continuing contract, or contracts, with Continental Forest Industries, for 180 days. Applicant has also

Minneapolis, Minn. 55413. FS Services, Inc. 1701 Towanda, Bloomington, Ill. 61701. CF Industries, Inc., Salem Lake Drive, Long Grove, Ill. 60047. Land O'Lakes Agricultural Services, 2827 8th Avenue South, Fort Dodge, Iowa 50501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 128007 (Sub-No. 108TA), filed September 2, 1977. Applicant: HOFER, INC., P.O. Box 583, 4032 Parkview Dr., Pittsburg, Kans. 66762. Applicant's representative: Larry E. Gregg, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground polyester Polymer*, from Portland, Tenn., to Gravette, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gravette Shelling Co., Box K, Gravette, Ark. 72736. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 129031 (Sub-No. 3TA), filed September 6, 1977. Applicant: KLAUSNER TRANSPORTATION CO., INC., 101 North Avenue 18, Los Angeles, Calif. 90031. Applicant's representative: William Davidson, 2455 E. 27th St., Los Angeles, Calif. 90058. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* on hangers and in packages and *piece goods* in packages. Between Los Angeles, Buena Park and Pico Rivera, Calif., on the one hand, and, on the other, Detroit, Michigan; Chicago, Ill.; Atlanta, Ga.; New York, N.Y.; North Bergen, Hoboken and Secaucus, N.J., under a continuing contract, or contracts, with Tanne Apparel, Inc. and Mona Lee Inc., dba Jolie Femme, for 180 days. Supporting shipper(s): Tanne Apparel, Inc., 4901 Gregg Road, Pico Rivera, Calif. 90660. Mona Lee Inc., dba Jolie Femme, Topson Downs Inc., d.b.a. MS Tops, 1240 S. Main Street, Los Angeles, Calif. 90015. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 123157 (Sub-No. 34TA), filed September 2, 1977. Applicant: CTI, P.O. Box 397, (11115 N. Casa Grande Highway), Rillito, Ariz. 85246. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flyash*, in bulk, from the Navajo Generating Station located approximately five miles southeast of Page, Ariz., to points in Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Western Ash Company, 3640 S. 19th Avenue, P.O. Box 20128, Phoenix, Ariz. 55036. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 N. 1st Avenue, Phoenix, Ariz. 85025.

No. MC 124306 (Sub-No. 33TA), filed September 1, 1977. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic material, flakes, NOIBN, granules, powder or solid mass*, in bulk, in tank vehicles, from Brunswick, Ga., to points in Alabama, Tennessee, North Carolina and S.C., for 180 days. Supporting shipper(s): Hercules Incorporated, 900 Life of Georgia Tower, Atlanta, Ga. Send protests to: Archie W. Andrews District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 127047 (Sub-No. 28TA), filed September 2, 1977. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, Kans. 67219. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Axles, wheels and hub and drum assemblies*, from Newton, Kans., to points in Arizona and Calif., for 180 days. Supporting shipper(s): Foreman-Geneva, Manufacturing Company, 1450 Spencer Road, Newton, Kans. 67114. Send protests to: M. E. Taylor District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, Kans. 67202.

No. MC 136713 (Sub-No. 9TA), filed September 1, 1977. Applicant: AERO LIQUID TRANSIT, INC., 834 West Main Street, Lowell, Mich. 49331. Applicant's representative: Daniel J. Kozera, Jr., The McKay Tower, Suite 2–A, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid water reducing admixtures for use with concrete, and liquid air-entraining agents for use with concrete*, all in bulk, in metered, liquid tank vehicles, from North Judson, Ind., to points in Michigan, Ohio, Illinois, Wisconsin, Pennsylvania, Minnesota, West Virginia, Kentucky, Tennessee, Missouri, Iowa, North Dakota, and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Penn-Dixie Chemical Co., North Arlington, N.J. 07032. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 138021 (Sub-No. 4TA), filed September 7, 1977. Applicant: STAND, INC., P.O. Box 57, Port Washington, Ohio 43837. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the site of Paris Mining Co., Salem Township, Tuscarawas County, Ohio, to Monroe, Mich., under a continuing contract, or contracts, with Paris Mining Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Paris Mining Co., Box 57, Port Washington, Ohio 43837. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 200 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 138228 (Sub-No. 4TA), filed August 31, 1977. Applicant: OGALLALA TRANSFER, INC., 2201 19th Street, P.O. Box 16412, Denver, Colo. 80216. Applicant's representative: Marshall E. Bernstein, P.O. Box 16412, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles* distributed by meat packinghouses (except hides and liquid commodities, in bulk, in tank vehicles) from Denver, Col., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin, for 180 days. Supporting shipper(s): Mountview Packing Co., 2520 South Raritan, Englewood, Colo. 80219. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 138313 (Sub-No. 26TA), filed September 1, 1977. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients*, from the plantsite or storage facilities of Continental Grain Co. at or near Culberton, Mont., to California, Colorado, Idaho, Oregon, North Dakota, South Dakota, Utah, Washington, and Wyoming, for 180 days. Supporting shipper(s): Ian Muir, Manager—Domestic Traffic, Continental Grain Co., 277 Park Avenue, New York, N.Y. 10017. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 139495 (Sub-No. 264TA), filed September 2, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: James E. McCarty, 1501 East 8th Street, Liberal, Kans. 67901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene shapes and forms, and disposable plastic tableware*, from the plantsite and warehouses of Mobil Chemical Co., located at or near Temple, Tex., to points in Arkansas, Colorado, Georgia, Illinois, Kansas, Kentucky, Louisiana, Mississippi, Missouri,

filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Donald E. Leitch, Manager of Transportation, Continental Forest Industries, P.O. Box 8969, Savannah, Ga. 31402. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, Rm 10-502 Federal Bldg., 400 North 8th Street, Richmond, Va. 23240.

No. MC 143671TA, filed August 31, 1977. Applicant: Bill Blann, d.b.a., BLANN TRACTOR COMPANY, P.O. Box 557, Hampton, Ark. 71744. Applicant's representative: J. Phelps Jones, P.O. Box 557, Hampton, Ark. 71744. Authority sought to operate as a *contract carrier*, by motor over regular routes, transporting: *Clothing, materials, supplies and equipment* incidental to or used in the manufacture of clothing under a continuing contract or contracts with M. J. Industries, for 180 days. Between the plantsite of M. J. Industries, Inc., 1000 Washington Ave., St. Louis, Mo. and the plantsite of M. J. Industries, Highland Industrial Park, East Camden, Ark. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M. J. Industries, Inc., 1000 Washington Ave., St. Louis, Mo. 63101. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

PASSENGER APPLICATION

No. MC 108811 (Sub-No. 8 TA), filed August 30, 1977. Applicant: THOMAS MOTOR TOURS, INC., 5047 Solomons Island Road, Lothian, Md. 20820. Applicant's representative: Jeremy 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 round trip charter operations, beginning and ending at points in the District of Columbia and Prince George's and Anne Arundel Counties, Md., and extending to points in the United States including Alaska, but excluding Hawaii, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately 29 supporting 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: William L. Hughes District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-27875 Filed 9-22-77;8:45 am]

CHANGE IN LOCATION FOR FILING CONTRACTS

AGENCY: Interstate Commerce Commission.

ACTION: Change in location for filing contracts subject to section 10 of the Clayton Antitrust Act (15 U.S.C. § 20) and 49 CFR 1010.4.

SUMMARY: The purpose of this document is to inform the public of the change in location of contracts and certain other information pertaining to competitive bids required under section 10 of the Clayton Antitrust Act (15 U.S.C. § 20) and 49 CFR Part 1010.4.

FOR FURTHER INFORMATION CONTACT:

James H. Bayne, Chief, Section of Reports, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, (202-275-7331).

Section 10 of the Clayton Antitrust Act (15 U.S.C. § 20) provides in pertinent part:

> Every such common carrier having any such transactions or making any such purchases shall within thirty days after making the same file with the Interstate Commerce Commission a full and detailed statement of the transaction showing the manner of the competitive bidding, who were the bidders, and the names and addresses of the directors and officers of the corporations and the members of the firm or partnership bidding * * *

The contracts and other information are presently being sent to the Interstate Commerce Commission, Washington, D.C. However, in order to make the contracts and other information available to the public in the areas affected by the transactions and our field auditors, it was decided that such contracts be filed with the Regional Offices of this Commission. Effective October 1, 1977, each carrier after having made and executed a contract as required under section 10 of the Clayton Antitrust Act (15 U.S.C. § 20) shall within thirty days after the execution of such contract file with one of the six regional offices listed below a statement of the transaction according to 49 CFR Part 1010.4.

Region	Address	States included
1	Interstate Commerce Commission, 150 Causeway St., room 501, Boston, Mass. 02114.	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont.
2	Interstate Commerce Commission, William J. Greene, Jr., Federal Bldg., 600 Arch St., room 3238, Philadelphia, Pa. 19106.	Pennsylvania, District of Columbia, Maryland, Ohio, Virginia, West Virginia, Delaware.
3	Interstate Commerce Commission, 1252 West Peachtree St. NW., room 300, Atlanta, Ga. 30309.	Alabama, Georgia, Florida, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
4	Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 South Dearborn St., room 1386, Chicago, Ill. 60604.	Illinois, Indiana, Michigan, Minnesota, North Dakota, South Dakota, Wisconsin.
5	Interstate Commerce Commission, 9A27 Fritz Garland Lanham Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.	Texas, Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma.
6	Interstate Commerce Commission, 211 Main St., suite 500, San Francisco, Calif. 94105.	California, Alaska, Colorado, Arizona, Idaho, Montana, Nevada, New Mexico, Utah, Oregon, Washington, Wyoming, Hawaii.

BRYAN BROWN, Jr.,
Acting Director.

[FR Doc.77-27896 Filed 9-22-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

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1

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, September 28, 1977. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open; part will be closed.

MATTERS TO BE CONSIDERED: Open portion:

1. Proposed guidelines for enforcement of regulation B (equal credit opportunity).

2. Proposed amendments to regulation B (equal credit opportunity) regarding (1) the definition of "adverse action" as it applies to credit cards, and (2) permitting creditors, for marketing purposes, to ask for information on a credit application that would otherwise be barred by the regulation.

3. Proposal to amend the descriptive billing provisions of regulation Z (truth in lending) as they relate to cash advance checks.

4. Board comments to the Federal Trade Commission regarding the Commission's proposed rules implementing title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, relating to premerger notification.

5. Any agenda items carried forward from a previously announced meeting.

Closed portion:

1. The Board's building project involving enclosure of the Martin Building podium area.

2. Proposed pay increase in the regular salary schedule for Board employees.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202–452–3204.

Dated: September 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S–1409–77 Filed 9–20–77;2:58 pm]

2

CIVIL AERONAUTICS BOARD.

[MA–42 amending M–54 as revised by MA–39, Sept. 14, 1977]

CHANGE OF TIME AND ADDITION OF ITEM

TIME AND DATE: Item 1—9 a.m., Item 2—3:30 p.m.—September 16, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Oral argument, Dockets 31377 and 31779, refiled British Airways' contract cargo rates. 2. Dockets 31377 and 31779, refiled British Airways' contract cargo rates.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: These tariffs were filed September 6, 1977, with an effective date of October 6, 1977. Oral argument will take place on the morning of September 16, 1977. Any order of suspension would have to be sent to the President no later than September 23, 1977. So that the Board can reach a determination in this matter, the following Members have voted that agency business requires that the Board meet on Item 2 less than seven days' notice and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S–1412–77 Filed 9–20–77;3:50 pm]

3

CIVIL AERONAUTICS BOARD.

[MA–43 amending M–52, Sept. 15, 1977]

ADDITION OF ITEM TO SEPTEMBER 15, 1977, MEETING AGENDA

TIME AND DATE: 10 a.m., September 15, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Board review of staff denial of Pan American Airlines request for reduced rate authorization submitted pursuant to § 223.8 of the Board's economic regulations.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: The time available for consideration of this request at the Board's September 14, 1977, meeting did not permit resolution of this matter. Accordingly, the following Members voted that agency business required the addition of this item to the September 15, 1977, agenda and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Elizabeth E. Bailey

[S–1413–77 Filed 9–20–77;3:50 pm]

4

CIVIL AERONAUTICS BOARD.

[MA–44 amending M–52, Sept. 15, 1977]

ADDITION OF ITEM TO SEPTEMBER 15, 1977, MEETING AGENDA

TIME AND DATE: 3 p.m., September 15, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Dockets 31232, 31234, 31235, 31246, 31247, 31285, and 31305, complaints of National Air Carrier Association, Brendan Tours, Inc., Charter Travel Corp., the Educational Cooperative, and Laker Airways, Ltd., against tariffs of Pan American World Airways, Inc., Trans World Airlines, Inc., British Airways, and Air India proposing standby, budget, and super-apex fares over the North Atlantic; and Docket 29123, agreement adopted by the Traffic Conferences of the International Air Transport Association relating to North Atlantic Passenger Fares Agreement CAB 26858, R–1 through R–5.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202–673–5068.

SUPPLEMENTARY INFORMATION: The Board's staff has completed a draft opinion in this matter. The President has

indicated that he expects the Board's decision to be sent to him by September 16, 1977. Accordingly, the following Members have voted that agency business requires the addition of this item to the agenda of its September 15, 1977, meeting on less than seven days' notice and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-1414-77 Filed 9-20-77;3:50 pm]

5

[MA-45 amending M-54 as revised by MA-39 and MA-42, Sept. 16, 1977]

CHANGE OF TIME AND ADDITION OF ITEM

REVISED AGENDA

TIME AND DATE: Morning session—10 a.m., September 16, 1977. Afternoon session—3:30 p.m., September 16, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

MORNING SESSION

1. Oral argument, Dockets 31377 and 31779, refiled British Airways' contract cargo rates.

AFTERNOON SESSION

1. Docket 28833, discretionary review on Board initiative of the decision of the Director, BOE, declining to institute an enforcement proceeding in *Seaboard World Airlines* v. *Pan American World Airways and Trans World Airlines* (Memo 7415, OGC).

2. Dockets 31377 and 31779, refiled British Airways' contract cargo rates.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Board Members' copies of the staff memorandum were incomplete and thus the Board was unable to discuss item 21 on the September 15, 1977, agenda at its meeting. Accordingly, the following Members voted that agency business required that this item be deleted from the September 15, 1977, meeting and rescheduled as item 1 for the afternoon session of the September 16, 1977, meeting agenda and that no earlier announcement of the change was possible.

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S. 1415-77 Filed 9-20-77;3:50 pm]

6

CIVIL AERONAUTICS BOARD.

[Ma-46 amending M-56, Sept. 16, 1977]

ADDITION OF ITEMS TO THE SEPTEMBER 20, 1977, MEETING AGENDA

TIME AND DATE: 10 a.m., September 20, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4a. Docket 22162, Allegheny's request to delay inauguration of service at Liberty-Monticello, N.Y. 9a. Docket 27589, "Domestic Baggage Liability Rules Investigation," on issues of (1) carrier liability for fragile, liquid, and perishable items, and (2) time limits for passenger baggage claims.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secertary, 202-673-5068.

SUPPLEMENTARY INFORMATION: On August 10, 1977, Allegheny filed an application for authority to postpone inauguration of service at Liberty-Monticello, N.Y., until March 17, 1978. Unless this request is acted on by September 26, 1977, Allegheny will be required by the terms of its certificate to inaugurate the service on that date. On September 14, 1977, the Bureau of Operating Rights determined not to act on this request under its delegated authority but to refer it to the Board on September 15, 1977. In *Aviation Consumer Action Project* v. *Kahn et al.*, Judge June L. Green has ordered the Board to issue a final order in the domestic baggage liability rules investigation by September 24, 1977, Civil No. 77—0090, U.S.D.C. for the District of Columbia, August 11, 1977. In order to permit the Board to consider these matters and to reach its determinations, the following Members have voted that agency business requires the addition of these matters to its September 20, 1977, meeting agenda as items 4a and 9a respectively and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-1416-77 Filed 9-20-77;3:50 pm]

7

CIVIL AERONAUTICS BOARD.

[MA-47 amending M-54 as revised by MA-39, MA-42 and MA-45, Sept. 16, 1977]

CHANGE OF TIME AND DELETION OF ITEM

REVISED AGENDA

TIME AND DATE: Morning session—10 a.m., September 16, 1977. Afternoon session—5 p.m., September 16, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

MORNING SESSION

1. Oral argument, Dockets 31377 and 31779, refiled British Airways' contract cargo rates.

AFTERNOON SESSION—5 P.M.

1. Dockets 31377 and 31779, refiled British Airways' contract cargo rates.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The time scheduled for the September 16, 1977, Board meeting did not permit Board consideration of this matter. By Order 77-9-59 the Board extended the time for decision in this case until September 23, 1977. Accordingly, the following Members have voted that agency business requires deletion of this item from the September 16, 1977, meeting and the addition of this item to its September 20, 1977, meeting agenda and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-1417-77 Filed 9-20-77;3:50 pm]

8

CIVIL AERONAUTICS BOARD.

[MA-48 amending M-56, Sept. 16, 1977]

ADDITION OF ITEM TO THE SEPTEMBER 20, 1977, MEETING AGENDA

TIME AND DATE: 10 a.m., September 20, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 8a. Docket 28833, Discretionary review on Board initiative of the decision of the Director, BOE, declining to institute an enforcement proceeding in *Seaboard World Airlines* v. *Pan American World Airways and Trans World Airlines* (Memo No. 7415 OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The time scheduled for the September 16, 1977, Board meeting did not permit Board consideration of this matter. By Order 77-9-59 the Board extended the time for decision in this case until September 23, 1977. Accordingly, the following Members have voted that agency

business requires deletion of this item from the September 16 meeting and the addition of this item to its September 20, 1977, meeting agenda and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member G. Joseph Minetti
Member Lee R. West
Member Elizabeth E. Bailey

[S-1418-77 Filed 9-20-77;3:50 pm]

9

CIVIL AERONAUTICS BOARD.

[M-57]

TIME AND DATE: 10 a.m., September 21, 1977.

PLACE: Room 1027, 1825 Connecticut Aveune NW., Washington, D.C. 20428.

SUBJECT: Consideration of Board's position on the provisions of H.R. 8813 (Task Force and Steering Committee on Regulatory Reform).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-1419-77 Filed 9-20-77;3:50 pm]

10

CIVIL AERONAUTICS BOARD

[M-58, September 14, 1977]

TIME AND DATE: 3:45 p.m., September 14, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Board review of staff denial of Pan American Airlines request for reduced rate authorization submitted pursuant to § 223.8 of the Board's Economic Regulations.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary (202-673-5068).

SUPPLEMENTARY INFORMATION: On September 12, 1977, Pan American requested authority to provide reduced fare transportation, at its proposed Budget Fare level, to the 1,626 passengers who have been booked and ticketed and have paid for Budget fare transportation during the period September 15 through September 25, 1977. On September 13, the staff denied Pan American's request and by telegram on September 14, 1977 Pan American requested Board review. Accordingly, the following Members have voted that agency business requires that the Board meet on this item on less than seven days' notice and that no earlier announcement of the change was possible: Chairman Alfred E. Kahn, Vice Chairman Richard J. O'Melia, Member G. Joseph Minetti, Member Lee R. West, Member Elizabeth E. Bailey.

[S-1420-77 Filed 9-20-77;3:50 pm]

11

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 3:00 p.m., September 30, 1977.

PLACE: Room 218-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED: (1) Minutes of CCC Board meeting on August 23, 1977. (2) Memorandum re Docket SCO 309: Research project—tobacco storage insect control. (3) Resolution re: Amendment of bylaws of Commodity Credit Corporation. (4) Docket SCP 98a, Amendment 1 re: Milk price support program, 1977-78.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, Acting Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, Telephone (202-447-7583).

[S-1424-77 Filed 9-21-77;10:42 am]

12

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1384-77.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11 a.m. (eastern time), Tuesday, September 20, 1977.

CHANGE IN THE MEETING: The meeting is postponed until 9 a.m. (eastern time), Thursday, September 22, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at (202-634-6748).

This notice issued September 20, 1977.

[S-1407-77 Filed 9-20-77;12:19 pm]

13

FEDERAL HOME LOAN BANK BOARD.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 181, page 46986, Monday, September 19, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., September 21, 1977.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

CHANGES IN THE MEETING:

THE FOLLOWING ITEMS HAVE BEEN ADDED TO THE AGENDA FOR THE OPEN MEETING: Application for Acceleration of the Effective Date of Registration Statement—Northern California Savings and Loan Association, Palo Alto, Calif.

No. 73, September 20, 1977.

[S-1410-77 Filed 9-20-77;3:50 pm]

14

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 9:30 A.M., September 27, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall (202-376-3012).

MATTERS TO BE CONSIDERED: Limited Facility Application—Atlantic Federal Savings and Loan Association of Fort Lauderdale, Fort Lauderdale, Fla.; Branch Office Application—Washington Federal Savings and Loan Association of Miami Beach, Miami Beach, Fla.; EFTS-RSU Applications—"TYME"—City Federal Savings and Loan Association, Milwaukee, Wis., and Badger Federal Savings and Loan Association, Milwaukee, Wis.; RSU Application—Freedom Federal Savings and Loan Association, Worcester, Mass.

Consideration of Amendments Relating to Service Corporations—Consideration of Holding Company Request by New Parent Company, Cincinnati, Ohio for Acquisition of D. H. Baldwin Company, Cincinnati, Ohio.

Consideration of Indianapolis Bank Move to Merchants Plaza.

No. 72, September 20, 1977.

[S-1411-77 Filed 9-20-77;3:50 pm]

15

FEDERAL MARITIME COMMISSION.

TIME AND DATE: September 28, 1977, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Monthly Report of Actions by Managing Director Pursuant to Delegated Authority.

2. Italian Line and Seatrain Agencies, Inc. Agency Agreement—Proposed Section 21 Order.

3. Agreement No. 14-45: Modification of the Trans-Pacific Freight Conference (Hong Kong) Agreement; Agreement No. 150-65: Modification of the Trans-Pacific Freight Conference of Japan/Korea Agreement; Agreement No. 3103-65: Modification of the Japan/Korea-Atlantic and Gulf Freight Conference Agreement; and Agreement No. 5700-27: Modification of the New York Freight Bureau Agreement to authorize assessment by neutral body of $120,000 damages per breach.

4. Agreement No. 10035–3; modification of the Celtic Bulk Carriers Joint Service Agreement; to enlarge scope of service.

5. Agreement No. 10156–2; application for indefinite extension of the term of approval of the ratemaking agreement between Johnson Scan-Star and the Mediterranean/North Pacific Coast Freight Conference.

6. Agreement No. 9214–22; modification of the North Atlantic Continental Freight Conference; to provide for appointment of resident representative in Europe.

7. Agreement No. 10052–3: Modification of the Pacific Coast Europe Rate Agreement to establish inland authority to points in Europe and the United Kingdom.

8. Agreement No. 10277: Discussion Agreement in the Puerto Rico and U.S. Virgin Islands/Haiti and Jamaica Trades between Sea-Land Service, Inc. and Seatrain International, Inc.

9. General Rate Increase (5 percent) in the Pacific Coast/Guam Trade, Matson Navigation Co.

10. General Rate Increase (5 percent) in the Atlantic Coast /Guam, Pacific Coast/Guam and Hawaii/Guam Trades, United States Lines, Inc.

11. General Rate Increase (24 percent) in U.S. Pacific Coast Port/Puerto Rico Trade; Sea-Land Service, Inc.

Portions closed to the public:

1. Docket No. 77–4—Agreements Nos. 9902–3, 9902–4, 9902–5, and 9902–6 (Modification of Euro-Pacific Joint Service Agreement), Motion to Compel Production of Documents Located Abroad.

2. Docket No. 77–7—Agreement Nos. 9929–2, 9929–3, and 9929–4 (Modification to the Combi Line Joint Service Agreement) and Agreement Nos. 10266 and 10266–1 (Joint Marketing Agreement Between Intercontinental Transport, B.V. and Compagnie Generale Maritime)—Motion to Compel Production of Documents Located Abroad.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary (202–523–5727).

[S–1405–77 Filed 9–20–77;11:38 am]

16

FEDERAL POWER COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 46986–87.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: September 21, 1977, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

G–23, CP77–453, Transcontinental Gas Pipe Line Corp.
G–24, RP77–125, Commercial Pipeline Co., Inc.
G–25, CI76–14, San Salvador Development Co., Inc., et al.
G–27, RP71–29, et al. (Phase II), United Gas Pipe Line Co.

KENNETH F. PLUMB,
Secretary.

[S–1421–77 Filed 9–21–77;9:25 am]

17

POSTAL RATE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 46680, September 16, 1977, and 42 FR 46988, September 19, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: September 21, 1977, 9:30 a.m.

CHANGES IN THE MEETING: Meeting date changed to September 28, 1977. "Open" portion of the meeting will begin at 9:30 a.m. to be followed by the "Closed" portion.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, 202–254–5614.

[S–1406–77 Filed 9–20–77;11:46 am]

18

SECURITIES AND EXCHANGE COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be printed September 22, 1977).

PREVIOUS ANNOUNCED TIME AND PLACE: September 28, 1977, 10 a.m., Room 825, 500 North Capitol Street.

CHANGE IN THE MEETING: The open meeting scheduled for Wednesday, September 28, 1977, at 10 a.m. will be held on Wednesday, September 28, 1977, at 11 a.m., with the following correction to the agenda:

ITEM 2

Publication for comment of a proposed rule and schedule related to going private transactions by public companies or their affiliates

will be rescheduled by the Commission for an open meeting at a later date.

Commissioners Loomis, Evans and Pollack voted to approve the above changes and determined that no earlier notice thereof was possible.

SEPTEMBER 20, 1977.

[S–1423–77 Filed 9–21–77; 10:34 am]

federal register

FRIDAY, SEPTEMBER 23, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

■

NATIONAL GUIDELINES FOR HEALTH PLANNING

Advance Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

[42 CFR Part 121]

NATIONAL GUIDELINES FOR HEALTH PLANNING

Advance Notice of Proposed Rulemaking

AGENCY: Public Health Service, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This Notice sets forth, pursuant to section 1501 of the Public Health Service Act, proposed National Guidelines for Health Planning with respect to the following types of health services and facilities:

General hospital beds,
Obstetrical inpatient services,
Pediatric inpatient services,
Neonatal intensive care units,
Open heart surgery units,
Cardiac catheterization units,
Radiation therapy,
Computed tomographic scanners,
End-stage renal disease.

The Notice invites all interested parties to submit written comments and recommendations concerning the proposed National Guidelines for Health Planning. After consideration of the material received in response to this Notice, the Secretary of Health, Education, and Welfare will by regulation issue final Guidelines on the specified health services and facilities.

DATE: Comments must be received by November 22, 1977.

ADDRESS: Written comments and recommendations should be submitted, preferably in duplicate, to: Office of Planning, Evaluation, and Legislation, Health Resources Administration, Center Bldg., Room 10-22, 3700 East-West Highway, Hyattsville, Maryland 20782. All materials received in response to this Notice and background material which has contributed to the development of the proposed National Guidelines will be available for public inspection and copying at the above location during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Daniel I. Zwick, Associate Administrator for Planning, Evaluation, and Legislation, Health Resources Administration, Center Bldg., Room 10-22, 3700 East-West Highway, Hyattsville, Maryland 20782 (301-436-7270).

SUPPLEMENTARY INFORMATION: Section 1501 of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974 (Pub. L. 93-641), requires the Secretary of Health, Education, and Welfare to issue, by regulation, guidelines concerning national health planning policy. The guidelines are to include:

(1) Standards respecting the appropriate supply, distribution, and organization of health resources, and

(2) A statement of national health planning goals developed after consideration of the priorities set forth in section 1502, which goals, to the maximum extent practicable, shall be expressed in quantitative terms.

The purposes of the National Guidelines for Health Planning are to help clarify and coordinate national health policy and to assist Health Systems Agencies (HSAs) established pursuant to section 1512 of the Public Health Service Act in developing required Health Systems Plans.

In section 2 of Pub. L. 93-641 (42 U.S.C 300k; 88 Stat. 2226), entitled "Findings and Purpose", Congress stated that achievement of "equal access to quality health care at a reasonable cost is a priority of the Federal Government" (section 2(a)(1)). The Congressional findings also noted that increases in the cost of health care, particularly of hospital stays, have been uncontrollable and inflationary (section 2(a)(4)), and that public and private sector responses have not resulted in the restraint of costs (section 2(a)(3)). However, in addition to a concern over problems of cost, Pub. L. 93-641 also emphasized concern with access to services and quality of care. Set forth for priority consideration in the formulation of national health planning goals are, among other things, the provision of primary care services for medically underserved populations, especially those which are located in rural or economically depressed areas, and the promotion of activities to achieve needed improvements in the quality of health services (see section 1502 of the Public Health Service Act as amended by Pub. L. 93-641).

The National Guidelines for Health Planning, as their development proceeds, will encompass concerns of accessibility to services, quality of care, and the containment of costs. However, consistent with new Departmental initiatives attaching priority to the role and increased responsibilities of planning agencies in addressing the reduction of the rapid rate of inflation of health care costs, the focus of this initial issuance of the National Guidelines for Health Planning is on short-term opportunities for cost containment and quality enhancement in the institutional sector. There is documented evidence, for example, that the nation has an excessive supply of hospital beds, even recognizing that some areas have too few. The preponderance of health care services provided in acute care institutions, which have experienced the highest rate of inflation, has led to the belief that the principal cost savings are achievable in this area.

It has been demonstrated that cost savings can be achieved without sacrificing the quality of or access to care for underserved areas or population groups through more efficient utilization of existing resources. For example, it is clear that conversion of excess acute care hospital beds to more appropriate uses, or the closure of excess capacity, can conserve resources and thus provide an opportunity for opening access to the underserved and for improvements in the quality of care. Moreover, limitations of certain excess resources, such as the duplication of open-heart units, can lead to improvements in the quality of care, while at the same time containing costs.

The initial issuance of the National Guidelines focuses on certain institutional resources, the excess supplies of which need to be contained if the rapid escalation of health care costs is to be moderated. These Guidelines seek to assist HSAs and other agencies in the identification of excess resources, a critical first step in encouraging more appropriate resource development and allocation of new resources. Further iterations will address problems of access and the more equitable distribution of health resources and the quality of care, as well as more long-range solutions to the inflation of health care costs. Although the initial issuance of the Guidelines focuses an acute care, these services and facilities should be viewed in terms of the full range of health care services, including those of ambulatory and long-term care.

As they are fully developed, the Guidelines will contain a statement of national health planning goals as well as resource standards. However, the initial issuance is limited to statements of resource standards with respect to specific categories of health services and facilities. Future iterations will encompass goals as well as resource standards.

Section 1513(b)(2) of the Public Health Service Act requires Health Systems Agencies, in the development of their Health Systems Plans, to give "appropriate consideration" to the recommended National Guidelines issued by the Secretary pursuant to section 1501. Health Systems Plans are also to "take into account" and "be consistent with" the Guidelines respecting the appropriate supply, distribution, and organization of health resources (section 1501(b)(1)).

The National Guidelines are to be considered by Health Systems Agencies as they assess the current conditions of the health care systems in their areas. Upon reviewing the relationship between current conditions and the Guidelines, agencies are expected to establish goals and set forth plans that are consistent with achieving the quantitative levels contained in the standards.

It should be noted that Health Systems Plans will be considered "consistent with" the Guidelines only where they establish goals and set forth plans not in excess of the level set forth in the Guidelines where that level is stated as a maximum, or not less than the level set forth in the Guidelines where that level is stated as a minimum, except where specific exceptions are provided in the Guidelines.

It is recognized that Health Systems Agencies are currently in the process of developing and establishing Health Systems Plans. The Secretary does not expect, and will not require as a condition of full designation of HSAs, consistency of Health Systems Plans with the National Guidelines until one year after the

date of publication of final regulations on the National Guidelines. All plans established by HSAs thereafter will be required to be consistent with the National Guidelines and will be reviewed by the Secretary on that basis. It is intended that Health Systems Plans establish goals and set forth plans designed to achieve the quantitative levels specified within five years. If an HSA area is able to achieve target levels in less than five years, it is urged to do so. HSAs are also urged to consider the Guidelines to the maximum extent possible in current planning efforts.

In view of the vast differences which exist among areas of the nation, local circumstances may render certain of the national standards inappropriate. Thus, the Guidelines provide for exceptions to the standards. Where a Health Systems Agency concludes that one or more of the standards should not apply to its area, it should set forth in its Health Systems Plan the basis for that conclusion. Such exceptions set forth in the HSP will be reviewed by the Department as part of the review of the performance of the plan development function by Health Systems Agencies.

The standards set forth below are intended to provide a basis for the identification of the inefficient use of scarce resources within the health sector. Many areas of the country have already achieved conditions more favorable than those specified in the National Guidelines. In those circumstances, it is not intended that HSAs plan for a level of resources in excess of that needed to adequately serve the needs of the community. Nor is it intended that HSAs refrain from planning with respect to health services and facilities which are not addressed in the Guidelines.

It should be noted that each State's Health Plan developed under Title XV of the Public Health Service Act must be made up of the Health Systems Plans for areas within the State, which in turn must take into account and be consistent with the National Guidelines Health Systems Plan also provide one of the bases for the development of the State Medical Facilities Plan required under Section 1603. Thus, it is expected that the National Guidelines will be reflected in the development of State Health Plans and State Medical Facilities Plans.

In addition, regulations issued concerning the certificate of need function (42 CFR Chapters 122 and 123) cite consistency with the Health Systems Plan for an area as one criterion for review of new institutional health service projects. Thus, it is anticipated that the National Guidelines will also be addressed in the criteria adopted by HSAs and SHPDAs governing review activities under certificate of need, the review of new institutional health services, and other mandated reviews.

The state of the art of establishing specific quantitative resource standards is still in its infancy. A vast range of factors are to be considered in the determination of the "appropriateness" of the supply, distribution, and organization of health resources. The standards set forth below will require periodic review and revision as knowledge is increased concerning the most appropriate configuration of resources to provide services which meet the health needs of the population with a minimum of duplication. The Guidelines will thus be reviewed at least every two years and revised as necessary based upon further analysis and experience with their use.

The resource standards for the nine categories of services and facilities included herein will be refined based upon the comments received and on the basis of further analysis. Additional work will also be undertaken to publish, for comment in the form of a subsequent Notice of Proposed Rulemaking, a statement of national health planning goals and additional resource standards.

Interested parties are invited to submit written comments on the National Guidelines for Health Planning by November 22, 1977. After consideration of the materials received in response to this Notice, the Secretary will make appropriate revisions and by regulation issue final Guidelines.

The proposed Guidelines set forth below will be the subject of discussion in public session at the meeting of the National Council on Health Planning and Development on September 23, 1977, at 2:00 P.M., in the Auditorium, HEW South Portal Building, 200 Independence Avenue SW., Washington, D.C.

It is therefore proposed to issue National Guidelines for Health Planning as set forth below.

Dated: September 12, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: September 14, 1977.

HALE CHAMPION,
Acting Secretary.

It is proposed to add Part 121 to Title 42 of the Code of Federal Regulations which, when codified, will consist of the following material:

I. GENERAL HOSPITALS—BED-POPULATION RATIO

GUIDELINE

There should be less than four non-Federal, short-term hospital beds for 1000 persons in a health service area; except under extraordinary circumstances. The standard for the bed-population ratio applies to all non-Federal short-term hospital beds (including general medical/surgical, pediatric, obstetric, and other short-term specialized beds).

Conditions which justify an exception to this standard for a health service area are:

1. *Age correction:* Individuals 65 years and older have a higher hospital utilization rate—up to four times that of the general population—than any other age group. Bed-population ratios for health service areas in which the percentge of elderly people is significantly (more than 33 percent) higher than the national average may be planned at a level higher than 4.0 per 100 persons.

2. *Seasonal population fluctuations:* Large seasonal variations in hospital utilization may justify bed-population ratios higher than 4.0 per 1000 persons. Bed-population ratios should reflect the Nation's vacation and recreation patterns as well as the needs of migrant workers.

3. *Urban areas:* Large numbers of beds in one part of a Standard Metropolitan Statistical Area (SMSA) may be compensated for by fewer beds in other parts of the SMSA. Health service areas which include a part of an SMSA may plan for bed-population ratios higher than 4.0 per 1000 persons reflecting existing patterns if there is a joint plan among all the Health Systems Agencies serving the SMSA which provides for less than 4.0 beds per 1000 persons in the SMSA as a whole.

4. *Rural areas:* Hospital care should be accessible to most individuals within a reasonable period of time. In rural areas in which a majority of the residents would otherwise be more than 45 minutes automobile travel time from a hospital, a bed-population ratio of greater than 4.0 per 1000 persons may be justified.

5. *Areas with referral hospitals:* In the case of an institution which provides a substantial portion of its services to individuals not residing in the health service area in which the institution is located, the HSA for that area may exclude from its computation of bed-population ratio the patient load that is from outside the HSA.

DISCUSSION

There is general agreement that the number of general hospital beds in the United States is significantly in excess of what is actually needed. This excess bed capacity contributes to the high cost of hospital care with little or no recognizable health benefits. Empty beds are often filled by patients who could be cared for as well or better using less expensive treatment modalities, such as ambulatory care or home care.

In 1976, the Institute of Medicine recommended that the nation should achieve at least a 10 percent reduction in the bed population ratio in the next five years and further significant reductions thereafter. The Institute statement noted: This would mean a reduction from the current national average of approximately 4.4 non-federal short-term general hospital beds per 1,000 population to a national average of approximately 4.0 in five years and well below that in the years to follow; many states and health service areas should be below the national 4.0 average at the end of five years.

It must be stressed that the 4.0 beds per 1000 population standard is a maximum level and not a description of an ideal situation. It is anticipated that in subsequent plans HSAs will be required to indicate how they will reach a bed-population ratio of 3.7 per 1000 population except under extraordinary circumstances. HSAs whose areas are now below the 4.0 per 1000 level but above 3.7 per 1000 are urged to attempt to decrease bed-population ratios to the lower figure.

II. GENERAL HOSPITALS—OCCUPANCY RATE

GUIDELINES

There should be an average annual occupancy rate of at least 80 percent for all non-Federal, general short-term hospitals in a health service area, except under extraordinary circumstances. Conditions which justify an exception to this standard for a health service area include:

1. *Seasonal population fluctuations:* In some areas, the influx of people for vacation or other purposes may require a greater supply of hospital beds than would otherwise be needed. Large seasonal variations in hospital utilization which can be predicted through hospital and health insurance records may justify an average annual occupancy rate of lower than 80 percent.

2. *Rural areas:* Lower average annual occupancy rates are often required by small hospitals to maintain empty beds to accom-

modate normal fluctuations of admissions. In rural areas with significant numbers of small (fewer than 4,000 admissions per year) hospitals an average occupancy rate of less than 80 percent may be justified.

DISCUSSION

There is substantial evidence that excess hospital capacity contributes significantly to high hospital costs. Empty hospital beds are expensive to staff and maintain. Occupancy rates currently average 75 percent nationwide. Major hospital capacity studies indicate that an average hospital occupancy rate of 80 percent is a reasonable national goal. Higher averages have been advocated, especially for medical-surgical units. In 1973, the Hill-Burton program recommended a 90 percent average for medical-surgical units.

HSAs whose areas currently exceed the proposed 80 percent average annual occupancy rate should attempt to increase occupancy rates still further. It must be stressed that the proposed standards are minimal levels and not a description of an ideal.

III. OBSTETRICAL SERVICES

GUIDELINES

A. There should be at least 2000 deliveries annually in an obstetrical unit located in an SMSA with a population of 100,000 or more.

There should be at least 500 deliveries annually in any obstetrical unit not located in an SMSA with a population of 100,000 or more.

The exception to this standard is: In the case of an obstetrical unit serving an area in which travel time to the unit exceeds 45 minutes under normal driving conditions for 10 percent or more of the population, a lower number of deliveries in an obstetrical unit may be justified.

B. There should be an average annual occupancy rate of at least 75 percent in each obstetrical unit.

DISCUSSION

In view of declining birth rates and the mounting underutilization of obstetrical beds, obstetrical standards for the minimum number of deliveries and occupancy rates are designed to discourage unnecessary duplication and inappropriate proliferation of services, and to maintain quality of care.

The experience of many obstetrical departments indicates that more than 2000 deliveries are generally required to maintain a consistently high standard of ordinary obstetrical care and a reasonable economic operation. Thus, at least 2000 deliveries should occur annually in any maternity unit in an SMSA with a population of over 100,000. The long-term objective for very densely populated areas should be consolidation of maternity services to achieve 3,000-5,000 deliveries annually.

In keeping with the national priority set forth in Section 1502 of the Public Health Service Act for the consolidation and coordination of institutional health services, the consolidation of multiple, small obstetrical units with low occupancy rates should be undertaken where such action is not impeded by geographical barriers.

A unit that serves less than 2000 deliveries per year is needed to maintain accessibility to services when a facility is located in an area with a population of low density or geographic inaccessibility. Facilities not located in SMSAs of over 100,000 population should provide at least 500 deliveries annually. According to the American College of Obstetricians and Gynecologists, services of such a size are limited but adequate, and can provide care with reasonable efficiency. Below 500 deliveries, the quality of care and efficiency are decreased significantly.

Travel time may be used to determine whether obstetrical services would be made inaccessible to certain populations if the minimum volume standard for obstetrical units were to be applied. A travel time to obstetrical services in excess of 45 minutes under normal driving conditions for 10 percent or more of the population provides a basis for exception to the 500 minimum annual deliveries in sparsely populated areas.

IV. PEDIATRIC INPATIENT SERVICES—NUMBER OF BEDS

GUIDELINES

There should be a minimum of 20 beds in a pediatric unit. The exception to this standard is: In the case of a pediatric unit serving an area in which travel time to the unit exceeds 30 minutes under normal driving conditions for 10 percent or more of the population, a smaller size pediatric unit may be justified.

DISCUSSION

A pediatric inpatient unit is a specific section, ward, wing, or unit devoted primarily to the care of medical and surgical patients less than 15 years old, not including intensive care for infants less than 29 days old.

A pediatric unit should have a minimum of 20 beds. This standard is designed to insure that pediatric units are of an efficient and economical size. It has been recommended by various professional organizations and health planning agencies. Consolidation of pediatric care in units of at least twenty beds will promote the concentration of nursing and support staff with special pediatric knowledge and skills, the increased training of staff, and the provision of special treatment and other ancillary facilities which meet the special needs of children. The recent Report of the Committee on Implications of Declining Pediatric Hospitalization Rates of the National Research Council states that, "For a policy of housing children separately to be effective, certain minimum services and facilities are needed thus requiring bed capacity and utilization to make provisions for these services and facilities economically feasible."

The 30 minutes travel time criterion may be used to identify those locations in which consolidation of pediatric units may not provide for appropriate access. Close proximity to pediatric facilities is desirable to permit children to remain close to their homes and to allow for frequent visits by family and friends. Such visits are highly desirable and have been found to be an aid to improvement and cure.

V. PEDIATRIC INPATIENT SERVICES—OCCUPANCY RATES

GUIDELINE

Pediatric units should maintain average annual occupancy rates related to the number of pediatric beds (exclusive of neonatal intensive care units) in the facility. For a facility with 20-39 pediatric beds, the average annual occupancy rate should be at least 65 percent; for a facility with 40-79 pediatric beds, the average annual occupancy rate should be at least 75 percent; for facilities with 80 or more pediatric beds, the average annual occupancy rate should be at least 80 percent.

DISCUSSION

Variable occupancy rates are designed to reflect the need for smaller units to maintain the capacity to accommodate normal day-to-day fluctuations in admissions and to set aside pediatric beds for particular ages and types of cases. Such scheduling problems are less severe in pediatric units of a greater capacity. Moreover, large units are able to sustain higher occupancy rates because they are frequently associated with regional centers which serve patients needing types of care that can be scheduled on a more flexible basis.

VI. NEONATAL INTENSIVE CARE UNITS

GUIDELINES

A. The total number of neonatal intensive care beds should not exceed four per thousand live births per year in a defined neonatal service area.

B. A single neonatal intensive care unit should contain a minimum of 20 beds.

DISCUSSION

A Neonatal Intensive Care Unit (NICU) is a special unit staffed and equipped solely for the intensive care of newborns who are less than 29 days old. The term "bed" is used in a generic sense and includes isolettes or basinettes. Neonatal intensive care is a highly specialized service required by only a very small percentage of infants. It has been estimated that four neonatal intensive care beds per thousand live births are adequate to meet this need, taking into account the incidence of high-risk pregnances, the percentage of live births requiring intensive care and the average length of stay in neonatal intensive care units.

Since the minimum number of isolettes will serve the patient load resulting from a representative population cohort for approximately one million, perinatal centers will often be a resource of two or more HSAs. Thus, a defined neonatal service area should be identied by the relevant HSAs in conjunction with the State Agency.

No exception to this standard on the basis of travel time to the service is proposed, since high risk mothers often give birth at facilities which have an NICU, and infant transport and special communication systems are available in situations in which transfer of the infant to a different facility is necessary.

The American Academy of Pediatrics has noted that "the best care will be given to high risk and seriously ill neonates if intensive care units are developed in a few adequately qualified institutions within a community rather than within many hospitals. Properly conducted, early transfer of these infants to a qualified unit provides better care than do attempts to maintain them in inadequate units."[1] This regionalized approach is reflected in the minimum size standard which is designed to foster the location of neonatal intensive care units in medical centers which have available special consultative services, staff, equipment and facilities; and enhance the quality of care. The standard is also designed to promote efficiency of operation, which has been found to require neonatal intensive care units containing 20 or more beds.

VII. OPEN HEART SURGERY

GUIDELINES

A. There should be a minimum of 200 procedures performed annually in any institution in which open heart surgery is performed.

B. There should be no new open heart units opened unless each existing or previously approved unit in the health service area (or areas) to be served is operating and is expected to continue to operate at a minimum of 350 open heart surgery cases per year.

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[1] American Academy of Pediatrics, Commit on Hospital Care, Care of Children in Hospitals, 2nd Edition (Evanston, Illinois: American Academy of Pediatrics, 1971), p. 112.

DISCUSSION

Open heart surgery for congenital and acquired heart and coronary artery disease represents a marked advance in patient care. Highly specialized open heart procedures require very costly, highly specialized manpower and facility resources. Thus, every effort should be made to limit duplication and unnecessary expenditures for resources related to the performance of open heart procedures, while maintaining high quality of care.

Based upon recommendations by various professional organizations and health planning agencies, a minimum of 200 open heart surgery procedures should be performed annually to maintain quality of patient care and to minimize the unnecessary duplication of health resources. In order to prevent duplication of existing resources which may not be fully utilized, the opening of new open heart surgery units should be contingent upon existing units operating, and continuing to operate, at a level of at least 350 procedures per year. This represents the optimum number of procedures which can be performed by a single open heart surgery team while maintaining a high quality of care.

VIII. CARDIAC CATHETERIZATION UNIT SERVICES

GUIDELINES

A. There should be a minimum of 300 procedures (intracardiac and/or coronary artery catheterization) performed annually in any adult cardiac catheterization unit.

B. There should be a minimum of 150 cardiac catheterizations performed annually in any pediatric cardiac catheterization unit.

C. There should be no new cardiac catheterization units opened in any facility not performing open heart surgery.

D. There should be no new adult cardiac catheterization units opened unless the projected number of studies per year is greater than 500 based on the current number of procedures, existing capacity, estimated need and referral patterns in the health service area(s) to be served and as determined by the Health Systems Agency(ies).

DISCUSSION

The modern cardiac catheterization unit requires a highly skilled staff and expensive equipment. While some units with excellent quality and safety records perform fewer studies, it is generally recognized that a minimum of 300 procedures per year is necessary to maintain the skills of the catheterization team and the most effective and safe operation of the unit. The underutilized unit in addition represents a less efficient use of an expensive resource and frequently reflects unnecessary duplication of services in an area.

The patient studied in the cardiac catheterization unit is frequently recommended for open heart surgery. While acceptable inter-institutional referral patterns exist in many areas, optimally, cardiac catheterization units should be located within a facility in which cardiac surgery is performed. Consequently, new cardiac catheterization units should only be opened in conjunction with an existing or simultaneously opened open heart surgery program.

This standard is consistent with recommendations of several health planning agencies, the Joint Commission on Accreditation of Hospitals and the Inter-Society Commission on Heart Disease Resources.

IX. RADIATION THERAPY

GUIDELINES

A. A megavoltage radiation therapy unit should serve a population of at least 150,000 persons or at least 450 new cancer cases per year.

B. There should be no new megavoltage units opened unless each existing or approved megavoltage unit in the health service area(s) is performing and is expected to continue to perform at least 7,500 treatments per year.

DISCUSSION

Although various types of radiation are indicated and used for tumors with different characteristics, megavoltage equipment (2–50 megavolt) is accepted as the most efficacious for treatment of deep-seated tumors. Megavoltage equipment is expensive to purchase, install, and support on a continuing basis. Every effort should thus be made to avoid unnecessary duplication of this costly resource.

The three most common types of units which are used to deliver megavoltage therapy are cobalt 60, linear accelerator, and Betatrons. Each of these units can deliver 7,500 treatments per year.

Experience indicates that two-thirds of new cancer patients will require megavoltage radiation therapy, and each beginning patient will require approximately 25 treatments per year. The above standards are designed to provide the needed treatment capabilities while avoiding unnecessary duplication of radiation therapy units and under-utilization of existing capacity.

X. COMPUTED TOMOGRAPHIC SCANNERS

GUIDELINES

[1] "A Policy Statement: Computed Tomoner (head and body) should operate at a minimum of 2,500 patient procedures per year.

B. There should be no CT scanners approved unless each existing or approved CT scanner in the service area is performing at a rate greater than 4,000 patient procedures per year.

C. Charges for existing or proposed CT scanner are to be calculated on the basis of 2,500, the projected or actual number of patient procedures per year, whichever is greater.

D. There should be no new computed tomographic (CT) scanners approved unless the owners or operators of the proposed equipment will set in place, with operation of the equipment, a data collection system.

DISCUSSION

Because CT scanners are expensive to purchase, to maintain, and to staff, every effort must be made to contain costs while providing an acceptable level of service. Full and appropriate utilization of existing units will prevent needless duplication and limit unnecessary increases in health care costs.

Estimates of full utilization of CT scanners range from 1,800 to 4,000 patient procedures per year. Surveys of actual usage show a slightly wider range. The Institute of Medicine, provider organizations, and specialists who have carefully reviewed these data and analyzed the capabilities of various commercially available units have recommended that 2,500 patient procedures per year be considered as the minimal acceptable number for adequate utilization. Prior to opening more than one CT Scanner in a service area, existing clinical units should be operating at a maximum level.

A summary of the data collected on CT scanners should be submitted by the owners or operators to the appropriate HSA, to enable the Agency to adequately plan distribution and use of CT scanners in the area. The data to be collected should include the following: [1]

Presenting signs and symptoms of CT examinations.

Demographic characteristics of recipients of CT examinations.

Rate of positive diagnoses of different disease conditions by CT.

Place of CT examinations in sequence with other diagnostic procedures.

Sensitivity and specificity of CT examinations performed in different parts of the body.

XI. END-STAGE RENAL DISEASE (ESRD)

GUIDELINE

The Health Systems Plans established by health systems agencies should be consistent with standards and procedures contained in the DHEW regulations governing conditions for coverage of suppliers of end-stage renal disease services, 20 CFR Part 405, Subpart U.

DISCUSSION

The ESRD Program was created pursuant to Section 299I of the Social Security Amendments of 1972 (Pub. L. 92–603), which extends Medicare benefits to any individual who has end-stage renal disease requiring dialysis or transplantation, provided that such individual: (1) is fully or currently insured or entitled to monthly benefits under Title II of the Social Security Act; or (2) is the spouse or dependent child of an individual so insured or entitled to such monthly benefits. In order for an ESRD facility to qualify for reimbursement under the program, the facility must meet the conditions for coverage of suppliers of end-stage renal disease services as established by regulation. These conditions incorporate standards which relate to the supply, distribution, and organization of ESRD facilities. The standards were developed by the Department of Health, Education, and Welfare and were based on extensive consultation with professionals and other persons knowledgeable in the areas of nephrology and transplant surgery. Because these standards are already published as regulations, it was not deemed necessary to republish them here.

[FR Doc.77-27493 Filed 9-22-77;8:45 am]

[1] "A Policy Statement: Computed Tomographic Scanning," Institute of Medicine, National Academy of Sciences, Washington, D.C., April 1977.

federal register

FRIDAY, SEPTEMBER 23, 1977

PART III



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Final Flood Elevation Determinations for Various Communities

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2829]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Town of Richland, Oswego County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Richland, Oswego County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Richland, Oswego County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Richland, Oswego County, N.Y., are available for review at the Town Clerk's Office, Courthouse, Pulaski, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-
Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Richland, Oswego County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Ontario	Southern-most town boundry	253
	Ramona Beach Rd.	252
	Southern limit of Selkirk Shores State Park	253
	Northern limit of Selkirk Shores State Park	253
	Mouth of Salmon River	252
	Mouth of Deer Creek	252
	Northern-most town boundry	253
Salmon River	Mouth at Lake Ontario	252
	New York State Route 3	257
	Maltby Rd. (extended)	265
	Downstream village of Pulaski corporate boundary	302
	Upstream village of Pulaski corporate boundary	301
	Penn-Central R.R.	396
	Lehigh Rd.	421
	Western town boundary	440

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27573 Filed 9-22-77;8:45 am]

[Docket No. FI-2653]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Town of Riverhead, Suffolk County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Riverhead, Suffolk County, N.Y. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Riverhead, Suffolk County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Riverhead, Suffolk County, N.Y. are available for review at the Town Clerk's Office on the bulletin board, 200 Howell Avenue, Riverhead, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Riverhead, Suffolk County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Long Island Sound	Entire coastline	11
Peconic River estuary	Grangabel Park to Indian Island County Park.	9
Great Peconic Bay (Flanders Bay)	Entire coastline	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27574 Filed 9-22-77;8:45 am]

[Docket No. FI-3079]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the City of North Wilkesboro, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of North Wilkesboro, N.C. These base flood elevations are the basis for the flood plain

management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of North Wilkesboro, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of North Wilkesboro are available for review at City Hall, North Wilkesboro, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of North Wilkesboro.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary M–1	North Carolina Route 18.	1,106
Reddies River	Upstream side of dam.	989
	Downstream side of dam.	979
	U.S. Highway 421–A.	978
Tributary Y–3	C St.	991
	B St.	990
Tributary Y–2	do.	970
Tributary Y–1	River Rd.	965
Yadkin River	U.S. Highway 421–A.	999
	U.S. Highway 421.	966

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27575 Filed 9-22-77;8:45 am]

[Docket No. FI–2960]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for Clackamas County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in Clackamas County, Oreg. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Clackamas County, Oreg.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Clackamas County are available for review at Clackamas County Courthouse, 8th and Main Streets, Oregon City, Oreg.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Clackamas County.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clackamas River	Bakers Bridge [1]	102
	Barton Bridge	164
	Confluence of Eagle Creek.	206
Molalla River	Southern Pacific R.R. Bridge.	172
	Highway No. 213 bridge.	237
	Highway No. 211 bridge.	323
	Confluence with Cedar Creek.	460
Kim Creek	Molalla Forest Road Bridge.	138
	Highway No. 213 Bridge.	204
Sandy River	Sleepy Hollow Bridge.[1]	982
	Confluence of Zig Zag River.	1,370
	Truman Road Bridge.[1]	1,455
Zig Zag River	do.[1]	1,398
	Road 20 bridge	1,640
Salmon River	New Highway 26 bridge.	1,053
	Bridge at Welches	1,292
Still River	Road 10 bridge.	1,584
	Road 20 bridge.	1,722

[1]Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27576 Filed 9-22-77;8:45 am]

[Docket No. FI–2856]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Township of Center, Indiana County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Center, Indiana County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Center, Indiana County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Center, Indi-

ana County, Pennsylvania are available for review at the Township Municipal Building, R.D. 2, Homer City, Center, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202–755–5581) or Toll Free Line (800–424–8872), Room 5270, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Center, Indiana County, Pennsylvania.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Two Lick Creek	Township Route 680	981
	State Route 56	1,011
	At Yellow Creek	1,013
	Main St.	1,015
	Old U.S. Route 119	1,034
	Railroad bridge (downstream).	1,037
	Route 119	1,039
Yellow Creek	Corporate limits	1,021
	Legislative Route 32134.	1,025

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27577 Filed 9-22-77;8:45 am]

[Docket No. FI-3138]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the City of Corry, Erie County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Corry, Erie County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP)

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Corry, Erie County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Corry, Erie County, Pennsylvania are available for review at the City Hall, 100 South Center St., Corry, Pa. 16407.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202–755–5581) or Toll Free Line (800–424–8872), Room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Corry, Erie County, Pa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Food Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Hare Creek	Downstream corporate limits.	1,391
	Shady Ave	1,393
	Con Rail	1,395
	Sciota St	1,397
	Meadow Lane (extended).	1,398
	Columbus Ave	1,401
Russell Run	Confluence with Hare Creek.	1,396
	2,100 ft upstream from confluence.	1,400
	Columbus Ave	1,420
Bear Creek	Wayne St	1,402
	Wright St	1,405
	Con Rail	1,412
	Mead Ave	1,416

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27578 Filed 9-22-77;8:45 am]

[Docket No. FI-1166]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Township of Fairview, York County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Fairview, York County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Fairview, York County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Fairview, York County, Pennsylvania are available for review at the Municipal Building, R.D. 1, New Cumberland.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202–755–5581) or Toll Free Line (800–424–8872), Room 5270, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Fairview, York County, Pa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act, of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood

plain management in flood-prone areas in accordance wth 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Susquehanna River.	South corporate limits (extended).	301
	Route 76 bridge (downstream side).	306
	Route 76 (upstream side).	306
Yellow Breeches Creek.	Penn Central RR bridge.	313
	Old York Road Bridge.	313
	Springer Lane Bridge.	315
	Route 83 bridge.	321
	Greenlane Drive Bridge.	326
	Spangler's Mill Road Bridge.	334
	Limekiln Road Bridge.	344
	Route 76 bridge.	351
	Sheepford Road Bridge.	358
	Bridge of Lisburn Rd.	367
	Route 114 bridge.	371
	Lisburn Road Bridge.	375

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27579 Filed 9-22-77;8:45 am]

[DOCKET NO. FI-2216]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Township of Hampden, Cumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Hampden, Cumberland County, Pa. These base flood elections are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Hampden, Cumberland County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Hampden, Cumberland County, Pa. are available for review at the Bulletin Board in the Lobby of the Hampden Township Municipal Building, 230 South Sporting Hill Road, Mechanicsburg, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Hampden, Cumberland County, Pa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Conodoguinet Creek.	East corporate limits.	330
	Orr's Bridge Road Bridge.	336
	Sporting Hill Road Bridge.	345
	Skyport Rd. (extended).	347
	Jerusalem Rd. (extended).	353
	Lambs Gap Road Bridge.	358

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27580 Filed 9-22-77;8:45 am]

[Docket No. FI-2904]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Borough of Kenhorst, Berks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Kenhorst, Berks County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Kenhorst, Berks County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Kenhorst, Berks County, Pennsylvania are available for review at the Borough Hall, 339 South Kenhorst Boulevard, Kenhorst, Reading, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Kenhorst, Berks County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Angelica Creek.	Northeast corporate limits.	236
	Wesleyan Dr. (extended).	239
	Grill Ave. (extended).	248
	High Blvd.	270
	Philadelphia Ave.	285
	Southeast corporate limits.	285
Tributary of Angelica Creek.	do.	273
	New Holland Rd.	280
	Southwest corporate limits.	288

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969

(33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27581 Filed 9-22-77;8:45 am]

[Docket No. FI-3094]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Borough of Newton-Hamilton, Mifflin County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Newton-Hamilton, Mifflin County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Newton-Hamilton, Mifflin County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Newton-Hamilton, Mifflin County, Pa., are available for review at the Newton-Hamilton Borough Office, Kensloe Street, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Newton-Hamilton, Mifflin County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Juniata River	Northeast corporate limit.	534
	Southeast corporate limit.	535
	Bridge St.	535

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27582 Filed 9-22-77;8:45 am]

[Docket No. FI-2344]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Township of South Whitehall, Lehigh County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of South Whitehall, Lehigh County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of South Whitehall, Lehigh County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of South Whitehall, Lehigh County, Pennsylvania are available for review at the Municipal Building, R.D. 1, Allentown, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202–755–5581) or Tol. Free Line (800–424–8872), Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of South Whitehall, Lehigh County, Pa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are·

Source of flooding	Location	Elevation in feet above mean sea level
Cedar Creek	Main Blvd.	302
	Cedarbrook Rd.	324
Little Cedar Creek	U.S. Highway 309 (State Route 29).	380
	Hausman Rd.	392
	Lehigh Valley Throughway.	410
Jordan Creek	Manch Chunk Rd.	306
	Whitehall Ave. (extended).	314
	Cedar Crest Blvd.	325
	Lapp Rd.	331
	Wehr Rd.	339
	Northeast extension of Pennsylvania Turnpike.	343
	U.S. Highway 309 (State Route 29).	344
Hassen Creek	Jordan Rd.	355
	Valley Rd.	360
	Orchard Dr. (extended).	364

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27583 Filed 9-22-77;8:45 am]

[Docket No. FI-2854]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Township of Stonycreek, Cambria County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Stonycreek, Cambria County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either

adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Stonycreek, Cambria County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Stonycreek, Cambria County, Pennsylvania are available for review at the Township Municipal Building, 1610 Bedford Street, Johnstown, Pa. 15902.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance (202–755–5581 or toll free line 800–424–8872), Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Stonycreek, Cambria County, Pennsylvania.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Stony Creek	Downstream corporate limits.	1,196
	Approximately 3,250 ft above downstream corporate limits.	1,200
	At Federal St. (extended).	1,205
	At Riverside St. (extended).	1,210
	2,375 ft downstream of Conveyor Bridge.	1,215
	900 ft downstream of Conveyor Bridge.	1,220
	At Conveyor Bridge	1,225
	900 ft upstream of Conveyor Bridge.	1,230
	1,500 ft. downstream of upstream corporate limits.	1,235
	At upstream corporate limits.	1,240

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27584 Filed 9-22-77;8:45 am]

[Docket No. FI-3064]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the City of Titusville, Crawford County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Titusville, Crawford County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Map for the City of Titusville, Crawford County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Titusville, Crawford County, Pennsylvania are available for review at the City Hall, Titusville, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202–755–5581) or Toll Free Line (800–424–8872), Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Titusville, Crawford County, Pennsylvania.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Oil Creek	Pine Creek	1,171
	Brown Street Bridge	1,183
	Smock Boulevard Bridge.	1,190
	Central Avenue Bridge.	1,201
Church Run	do	1,190
	Drake Road Bridge	1,196
	Martin and Walnut St. culvert.	1,201
	Franklin Road Bridge.	1,211
	Church Run Road Bridge.	1,226
	Corporate limits	1,235
Hammond Run	Bloss Street Bridge	1,195
	Barber Street Bridge	1,210
	Fleming Road Bridge.	1,220
Trout Run	Bloss Street Bridge	1,193
	South Barber Street Bridge.	1,213
	Corporate limits	1,241
Pine Creek	do	1,126

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27585 Filed 9-22-77;8:45 am]

[Docket No. FI-3111]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Township of Upper Darby, Delaware County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Upper Darby, Delaware County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to quality or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Upper Darby, Delaware County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Upper Darby, Delaware County, Pa., are available for

review at the Municipal Building, Long Lane and Garrett Road, Upper Darby, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Upper Darby, Delaware County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Darby Creek	Providence Rd.	37
	Hilldale Rd.	47
	Bridge St.	81
	Septa Lines R.R.	96
	Palmer Mill Rd. (extended).	104
	Garrett Rd.	129
	Rosemont Ave.	132
	Septa Lines R.R.	148
	State Road.	153
	Upstream corporate limits.	155
Naylors Run	Confluence with Cobbs Creek.	55
	Church Lane.	58
	Con Rail.	86
	Richfield Rd.	86
	Hampden Rd.	88
	Marshall Rd.	88
	Long Lane.	94
	Marshall Rd.	100
	Bradford Rd.	113
	Beverly Blvd. (downstream).	115
	Beverly Blvd. (upstream).	116
	Con Rail.	116
	Garrett Rd.	122
	Lansdowne Ave.	171
	Bond Ave. (extended).	175
Cobbs Creek	Downstream corporate limits.	52
	Catherine Street Bridge.	55
	Marshall Rd.	63
	West Chester Pike.	70
	Chatham Rd. (extended).	83

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27586 Filed 9-22-77;8:45 am]

[Docket No. FI-3116]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Township of Upper Gwynedd, Montgomery County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Upper Gwynedd, Montgomery County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Upper Gwynedd, Montgomery County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Upper Gwynedd, Montgomery County, Pa., are available for review at the lobby, Upper Gwynedd Township Building, Parkside Place, West Point, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Upper Gwynedd, Montgomery County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Wissahickon Creek	South corporate limits.	271
	North Wales Rd.	297
	Sumneytown Pike.	325
	Wissahickon Ave.	339
	Hancock Rd.	354
	East Main St.	366

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680 February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27587 Filed 9-22-77;8:45 am]

[Docket No. FI-2905]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Borough of Wheatland, Mercer County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Wheatland, Mercer County, Pa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Wheatland, Mercer County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Wheatland, Mercer County, Pa., are available for review at the Wheatland Municipal Building, 71 Broadway, Wheatland.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determination of flood elevations for the Borough of Wheatland, Mercer County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Shenango River	East corporate limit (extended).	834
	Council Ave	834
	Church St. (extended).	835
	Upstream corporate limit—stream centerline intersection.	837
	Ohio St	838

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27588 Filed 9-22-77;8:45 am]

[Docket No. FI-2017]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the City of Farmers Branch, Dallas County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the city of Farmers Branch, Dallas County, Tex. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the city of Farmers Branch, Dallas County, Tex.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Farmers Branch, Dallas County, Tex., are available for review at the Department of Public Works, City Hall, 13000 William Dodson Parkway, Farmers Branch, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Farmers Branch, Dallas County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Elm fork of the Trinity River.	South corporate limit (Royal Lane).	430
	Farmers Branch Creek confluence.	431
	Keenan Bridge Road	434
	Valley View Lane	435
Cooks Branch	West corporate limit	435
	Chicago, Rock Island & Pacific RR.	444
	Interstate Highway 35E.	455
	Denton Rd	461
	Missouri-Kansas-Texas RR.	461
	Bee St	463
	Valwood Parkway	478
	Josey Lane	479
	Hollandale Lane	493
	North corporate limit	505
Farmers Branch	Luna Rd	432
	Chicago, Rock Island & Pacific RR.	442
	Denton Rd	462
	Missouri-Kansas-Texas RR.	463
	Ford Rd	467
	Josey Lane	482
	Veronica Rd	491
	Webb Chapel Rd	501
	Lost Valley Lane	509
	Valley View Lane	520
	Marsh Lane	541
	North corporate limit	552
	West corporate limit	561
	North corporate limit	576
Rawhide Creek	Missouri-Kansas-Texas RR.	460
	Demetra Dr. (extended).	466
	Dixiana St. (extended).	471
	Valley View Lane	475
	Tom Field Rd	481
	Josey Lane	488
	Longmeade Dr	500
	Webb Chapel Rd	505
	Brookhaven Club Dr.	518
	Pebble Beach Dr	537
	Garden Brook Dr	549
	West corporate limits (Marsh Lane).	565

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 16, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27589 Filed 9-22-77;8:45 am]

[Docket No. FI-2551]

PART 1917—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Final Flood Elevation Determination for the Town of Kermit, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the town of Kermit, W. Va. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the town of Kermit, W. Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Kermit are available for review at Town Hall, Kermit, W. Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Kermit.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234),

87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tug fork of Big Sandy River.	Kentucky St.....	625

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc.77-27590 Filed 9-22-77;8:45 am]

federal register

FRIDAY, SEPTEMBER 23, 1977
PART IV



DEPARTMENT OF THE TREASURY

Comptroller of the Currency

■

DISPOSITION OF CREDIT LIFE INSURANCE INCOME

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 2—DISPOSITION OF CREDIT LIFE INSURANCE INCOME

AGENCY: Comptroller of the Currency.

ACTION: Final regulation.

SUMMARY: This regulation prohibits distribution of credit life insurance income to employees, officers, and directors of a national bank and to individual stockholders owning more than 5 percent of a national bank's shares. The agency is issuing this regulation in order to curb self-dealing in the sale of credit life insurance by national bank insiders.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Ford Barrett, Assistant Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219 (202–447–1880). Mr. Barrett is the principal drafter of this document.

SUPPLEMENTARY INFORMATION: On July 20, 1976, the Comptroller of the Currency published for comment in the FEDERAL REGISTER (41 FR 29846) a proposed regulation governing the disposition of income from the sale of credit life, health and accident insurance ("credit life insurance") to loan customers of national banks. In essence, the proposed regulation would have prohibited officers, directors and principal stockholders of national banks from retaining for their personal benefit income derived from credit life insurance sales. The proposal was premised on the judgment that income earned from credit life insurance sales to bank customers by bank officers using bank premises and good will in the creation of bank assets (loans) should be credited to bank earnings rather than be paid directly to and retained by officers, directors or selected stockholders. For reasons discussed in the Notice of Proposed Rulemaking, the Comptroller believed the practice of allowing individuals to retain this income may be an unsafe and unsound banking practice, an unlawful distribution of the bank's income other than by the payment of dividends under the provisions of 12 U.S.C. 60, a breach of the fiduciary obligations of officers and directors under both the common law and 12 U.S.C. 73, a misapplication of bank funds punishable under 18 U.S.C. 656 and other criminal statutes, and a possible violation of federal antitrust laws.

Slightly more than 200 comments were received in response to the proposed regulation. The principal issues raised by the comments and the resolution of these issues are discussed below.

DISCUSSION OF COMMENTS

1. *Federal Law Obstacles.* With certain exceptions, § 2.4 of the proposed regulation required that all income from credit life insurance sales be credited to the bank's income accounts rather than to the personal accounts of individuals. A number of commentators contended that a federal statute (12 U.S.C. 92) which specifically authorizes national banks to conduct unlimited insurance business in towns of 5,000 persons or less impliedly prohibits banks located and doing business in any place the population of which exceeds 5,000 persons from receiving credit life insurance "commissions." However, neither the language nor the purpose of this statute can be read so broadly.

Enacted in 1916 at the request of the Comptroller of the Currency, this statute was intended primarily to offer a broad source of revenue to small national banks in order to "place them in a position where they could better compete with local state banks and trust companies * * *." See 53 Cong. Rec. 11001 (July 14, 1916). Although the Comptroller assumed in requesting this legislation that national banks lacked incidental power under 12 U.S.C. 24 (Seventh) to act as a full scale insurance agent (an issue in no way involved in the present regulation), neither the language nor the legislative history of the section suggests that national banks would not possess ample authority under the incidental powers clause of 12 U.S.C. 24 (Seventh) to provide, in connection with a credit transaction, a peculiarly special type of insurance which could serve the same purpose as additional collateral, a co-maker or a guarantor.

12 U.S.C. § 24 (Seventh), after granting national banks "all such incidental powers as shall be necessary to carry on the business of banking", goes on to give examples of the "business of banking", including "loaning money on personal security." Clearly, "personal security" may take a variety of forms. For example, the bank may require collateral, a co-signer or a guarantor. Credit life insurance, the use of which has increased dramatically since 1950,[1] has reduced reliance on these traditional modes of security. In the field of consumer credit, credit life insurance is probably the preeminent form of security taken by financial institutions today. Since the use of credit life insurance as security is now routine in the making of loans, acting as agent for that sale is plainly incidental to the power of national banks to loan money on personal security. Hence, national banks in towns of more than 5,000 that act as agent, either in their own right or through licensed employees, for the sale of credit life insurance are not engaged in the general insurance agency business contemplated by 12 U.S.C. 92. Rather, they are lawfully making available to loan customers a highly specialized form of insurance peculiarly related to the business of banking and not generally available from insurance agencies unaffiliated with financial institutions. Unlike the typical insurance agency, such banks (unless located in a town of 5,000 or less) usually offer no other kinds of insurance frequently sought by the public. Nor do they engage in general insurance counselling, investigation of the applicant's medical background, risk evaluation, appraisal of properties for insurance purposes, or claims service, all of which are functions typically performed by an independent insurance agency.[2] Incidental to their banking business, these banks merely provide a service which has no appeal whatsoever to persons not simultaneously borrowing from the bank.[3]

Some commentators argued that two court decisions, *Saxon* v. *Georgia Ass'n of Independent Ins. Agents*, 399 F. 2d 1010 (5th Cir. 1968) and *Comm'r* v. *First Security Bank N.A.*, 405 U.S. 394 (1972), require the conclusion that a national bank in a town of more than 5,000 is without legal authority to receive credit life insurance commissions. A review of the cited opinions does not support this contention.

In *Saxon*, the independent insurance agents sought to enjoin Citizens and Southern National Bank from selling "broad forms of automobile, home, casualty and liability insurance." 399 F. 2d at 1012. Significantly, the case did not involve the sale of credit life insurance. Rather, the insurance agents' thrust was directed at the bank's operation of a general insurance agency, through which the bank acted as agent for the sale of property and liability insurance on collateral securing loans, such as fire and homeowner's protection on houses mortgaged to the bank and collision and liability insurance on automobiles financed by the bank. Since the types of insurance for which the bank acted as

[1] American Council of Life Insurance, "Life Insurance Fact Book 1976" at 21 and 32.

[2] The wide-ranging functions of a general insurance agency are described in *O. G. Pierce Co.* v. *Century Indemnity Co.*, 285 N.W. 91 at 96 (Neb. 1939).

[3] A model bill drafted by the National Association of Insurance Agents (now the Independent Insurance Agents of America, Inc.) barring lending institutions and their affiliates from acting as general insurance agents specifically exempts the sale of credit life insurance from its broad prohibitions, presumably because of the natural nexus between the lending function and the furnishing of credit life coverage. The exemption is found in section 1 of the bill, which has been enacted in various forms in 20 states. Similarly, the Model Act for the Regulation of Credit Life Insurance and Credit Health and Accident Insurance as drafted by the National Association of Insurance Commissioners and now incorporated into the laws of 41 states, recognizes that banks and other creditors play an important role in the sale of credit life insurance.

Federal statutes acknowledge the prevailing practice of financial institutions selling credit life insurance. In the Truth in Lending Act, 15 U.S.C. 1605, Congress recognized that property damage and liability insurance coverage can be obtained from sources other than lenders and, therefore, in subsection (c), required the creditor to furnish "a clear and specific statement in writing" that the borrower may choose the person through whom the insurance is to be obtained. In contrast, subsection (b) dealing with credit life insurance has no such requirement, presumably because Congress recognized that creditors are virtually the only source of credit life insurance.

agent are commonly sought by the public outside the credit granting process, are a staple of the independent insurance agent and are characteristically sold by a general agency operation, it seems clear that the facts of this case are not controlling where a bank acts as agent in its own right or through a licensed employee for the sale of credit life insurance in connection with a specific loan—a type of insurance which, as mentioned above, frequently serves in lieu of collateral or a guarantee and is not normally available from independent agencies.

The Supreme Court's decision in *Comm'r.* v. *First Security Bank N.A.* did involve credit life insurance. This tax case related to an attempt by the Internal Revenue Service to reallocate to the bank 40 percent of the premium income received by a nonbank affiliate on the ground that this percentage was the equivalent of commissions which the bank should be deemed to have earned in view of its role in making credit life insurance available to loan customers. In ruling against the Commissioner, the Court adopted the litigants' assumption that the bank could not legally receive commission income since it was situated in a town of more than 5,000 persons. As the Court explained (405 U.S. at 402):

> The Tax Court found that the Banks, upon advice of counsel, "held the *belief* that it would be contrary to Federal banking law * * * to receive income resulting from their customers' purchase of credit insurance" and, pursuant to this *belief*, "the two Banks have never received or attempted to receive commissions or reinsurance premiums resulting from their customers' purchase of credit insurance."
>
> *Petitioner does not contest this finding* by the Tax Court or the holding in this respect of the Court of Appeals below. Accordingly, *we assume for purposes of this decision* that the Banks were prohibited from receiving insurance-related income, although this prohibition did not apply to non-bank subsidiaries of Holding Company. (Footnotes omitted; italics added.)

A reading of the decision in "First Security Bank" thus reveals that the Court merely "assumed" a conclusion of law adopted by both litigants. As the Court points out, the Internal Revenue Service did not contest the "belief" stated by the bank's lawyers that the bank could not receive commission income. In other words, the propriety of national banks acting as insurance agents for the sale of credit life insurance and receiving commissions therefrom was not an issue in "First Security Bank," and the Supreme Court's carefully stated "assumption" for the purposes of that decision is plainly not a holding on the issue. Accordingly, the Court's decision does not in any way preclude a finding that credit life insurance agency activities by national banks in towns of more than 5,000 are permissible under the national banking laws.

For these reasons, the Comptroller concludes (1) that no federal statute bars a national bank from acting as agent or otherwise selling credit life insurance and (2) that such activity is incidental to the business of banking within the meaning of the "incidental powers" and "personal security" clauses of 12 U.S.C. 24 (Seventh) and within the power of a national bank, regardless of the size of the town in which the bank is located.

2. *State Law obstacles.* Another issue raised by the comments on § 2.4 relates to state insurance laws that purportedly preclude a banking institution from receiving commissions. In some states, agents' licenses may be granted only to natural persons or to firms whose principal business is the sale of insurance. As a result, banks are said to be barred from obtaining an agent's license. Moreover, in the same states other statutes prohibit payment of commissions to unlicensed parties and also prohibit a licensed agent from splitting his commissions with a non-licensed entity. Thus, it is argued, insurance laws in some states preclude a bank employee who holds an agent's license from passing any of his commission income to the bank because the latter is not licensed. Accordingly, it is contended, the bank employee must retain all commissions for himself. It is further argued that where statutes such as these are in effect the regulation may not authorize national banks to receive commission income from the sale of credit life insurance because the McCarran-Ferguson Act, 15 U.S.C. 1011 et seq., has placed the responsibility for regulating the business of insurance in the hands of the states.

Initially, it should be noted that this state law issue arises in only a handful of states: Texas, Oklahoma, and possibly Illinois. In these states, however, the issue raises a number of complex questions, including whether state insurance laws should be interpreted in the manner suggested by the comments, whether the same laws apply to a federal instrumentality like a national bank, and whether, if these state laws do prohibit a national bank from receiving credit life insurance commissions resulting from the use of bank facilities, customers and good will, insiders may nonetheless be barred by federal regulation from paying such commissions to themselves.

With respect to the first question, there is some doubt whether these state insurance laws are properly interpreted as barring a national bank employee holding an insurance agent's license from assigning his credit life insurance commissions to the bank. While their origin is not entirely clear, statutes prohibiting the division of commissions between agents and non-agents appear to be part of a statutory scheme enacted in many states to assure uniform insurance rates throughout the state by preventing "rebates", i.e., the splitting of commissions with the insured party.[4] Another purpose, suggested by persons knowledgeable in the credit life insurance industry and supported by the authorities, is to preserve for in-state agents commissions which could be derived from the sale of insurance to local residents by out of state insurance salesmen.[5] Undoubtedly, these laws are also designed "to protect the public from the efforts of unlicensed, and therefore presumptively unqualified, persons to engage in the insurance business."[6] Nowhere is there persuasive authority suggesting that any of these interests of the state would be contravened by a bank employee with an agent's license who assigns to the bank his credit life insurance commissions on loans made by the bank. Nor is it suggested in any authoritative source that these statutes preclude, or were intended to preclude, a licensed employee of a national bank from assigning his commissions to his employer.[7]

Indeed, the authorities point in the opposite direction. According to a leading treatise on insurance law, an agent's commissions are assignable.[8] This is reflected in the case law, where examples of agents assigning their commissions to secure a debt can be found.[9] In some states, the assignment process is governed by statute.[10] In other states, assignments are recognized by administrative interpretation.[11] The use of such assignments

[4] See Couch on Insurance 2d § 30:49, which says in reference to "rebate" statutes, "Such statutes also have the purpose of preventing the splitting of commissions with the insured. (Case citations omitted.) See also Appleman, Insurance Law and Practice §§ 10533, 8643.

[5] Couch on Insurance 2d § 26:378; Appleman, "Insurance Law and Practice" § 8972.

[6] *Smith* v. *Summy*, 516 P. 2d 242, 243 (Okla. 1973); see also *Rizzo* v. *Price*, 294 A. 2d 541, 544–545 (Conn. 1972).

[7] One case in this area is *Chick Coker Pontiac, Inc.* v. *Home Indemnity Co.*, 499 P. 2d 441 (Okla. 1972), in which an automobile dealership sued one of its former employees, a licensed insurance agent who sold credit life insurance in conjunction with the financing of the dealership's automobiles, for the return of a 10 percent commission secretly received by the employee. In rejecting the dealership's arguments, the court held that an employee who is a licensed agent may not pay directly or indirectly to his employer any commission earned by him for writing credit life insurance in conjunction with his employer's business, unless the employer holds a valid insurance agent's license. The case did not involve the use of an assignment. Additionally, because of the special relationship of trust between a bank and its employees, on the one hand, and its customers and the public on the other, it is not clear whether the same reasoning applies in a bank-bank employee context. Notably, a subsequent decision by the same court, *Smith* v. *Summy*, 516 P. 2d 242, *supra*, did not employ the literal approach used in *Chick Coker Pontiac*. As a result, the question whether bank employees in Oklahoma are prohibited from assigning credit life insurance commissions to their employer (the bank) is still unsettled.

[8] *"Couch on Insurance"* 2d § 26:395.

[9] *"First Nat'l Bank of Vista* v. *Hellen,"* 392 F. 2d 58, 59, & n. 1 (9th Cir. 1968); *Baskin* v. *Aetna Life Ins. Co.*, 79 S.W. 2d 725 (Ark. 1935).

[10] See, e.g., Minn. Stat. Ann. § 60 A.17 Subd. 10 (West); Wis. Stat. Ann. § 628.61 (West); Va. Code § 38.1–482.9.

[11] One example is Alabama, where the Commissioner of Insurance expressed the belief in a letter dated September 1, 1976, that under the Alabama Insurance Code "* * * insurance agents can execute a valid assignment to anyone to receive a part or the entire commission which he is entitled to from an insurance company."

is apparently widespread and does not seem to pose legal problems in most states, even when anti-fee splitting statutes are present.

Interpreting state prohibitions on fee-splitting as prohibiting assignments by bank employees not only stretches these laws beyond their evident purpose but also creates absurd results in the banking context. Such a conclusion must be based on the assumption that when using bank premises, bank customers and bank good will, bank personnel are in business for themselves. Quite the opposite is the case. When using the premises, personnel, good will and customers of a national bank, employees of a national bank are in business for the benefit of the bank, not for their personal aggrandizement. This is especially true of officers and controlling stockholders who, like directors, are fiduciaries with obligations running not only to stockholders but also to depositors.[12]

Moreover, banks and their employees bear a principal-agent relationship to each other, and therefore the licensing of a bank employee to sell credit life insurance on bank premises to bank customers is tantamount to licensing the bank itself. It would appear, then, that by licensing the bank's employees the state legitimizes the receipt by the bank of commission income.[13]

Logic also suggests that the very type of literal interpretation given to state insurance laws by some bankers and insurance administrators precludes the widespread practice, of computing officer salaries on the assumption that the officer will receive a certain amount directly in the form of credit life insurance commissions. For example, some state laws prohibit a corporation from "directly or indirectly" receiving compensation from a licensed agent on insurance sales.[14] Where a bank reduces an officer's salary in recognition of the credit life insurance commissions he receives directly, the bank in reality obtains the benefit of the commissions, thereby "indirectly" or constructively receiving them in violation of the law. Yet no one has suggested that inclusion of anticipated credit life insurance commissions in the computation of a bank officer's salary base constitutes indirect receipt of this income by the bank. Thus, these commentators themselves eschew the very type of literal interpretation which they proffer in opposition to § 2.4. In short, an obvious inconsistency emerges when it is maintained that bank employees holding agent licenses cannot assign their credit life insurance commissions to the bank, but that a bank may indirectly obtain a substantial benefit from these funds by reducing its salary expense for officers who receive commissions directly.

In view of the considerations discussed above, the Comptroller believes that representations to the effect that the laws of some states prohibit a national bank from acting as agent in its own right or through its employees and from receiving commissions on the sale of credit life insurance to bank customers on bank premises, may represent neither the actual state of the law nor the law as it may evolve. At the least, federal regulation should avoid embracing such notions, with all their inconsistencies, pending further judicial and legislative clarification.

Assuming *arguendo* that a state law may prevent a state bank from acting as agent and from receiving credit life insurance commissions through its licensed employees, the question remains whether such a law would be binding upon national banks.

In this regard, certain commentators contended that whether a national bank can act as agent or receive credit life insurance commissions through a licensed employee can only be determined by state law because the McCarran-Ferguson Act, 15 U.S.C. 1011–1015, reserves regulation of the insurance business exclusively to the states. However, the scope of the McCarran-Ferguson Act has been drastically limited by the Supreme Court, which has held that the Act was intended only to allow the states authority to regulate "the relationship between the insurance company and the policyholder."[15] The ultimate disposition of credit life insurance income in the hands of a national bank director, officer, or employee, when the income was derived within the bank from sales of insurance by bank employees to bank loan customers, is totally unrelated to "the relationship between the insurance company and the policyholder." It is, therefore, beyond the protection furnished to state insurance laws by the McCarran-Ferguson Act. While the states may have the authority under the McCarran-Ferguson Act to dictate to whom credit life insurance commissions may be paid initially, the use and disposition of that income by personnel of a national bank falls solely within the Comptroller's regulatory authority. This is the business of banking, not the "business of insurance" within the meaning of the McCarran-Ferguson Act.

This conclusion reflects lower court interpretations of the McCarran-Ferguson Act following the "National Securities" decision. A recent district court decision noted that "The great majority of the post-1969 decisions analyzing the scope of the McCarran Act exemption have limited [it] to practices directly affecting the relationship of insurer and policyholder."[16] Another court concluded that the McCarran-Ferguson Act "is to be narrowly construed in the face of valid federal regulatory interests: accommodation of federal and state regulatory interests is to be sought."[17] In the Comptroller's judgment, receipt by the bank of credit life insurance commissions paid initially to a licensed employee satisfies the Comptroller's concern for an orderly accounting of income generated by bank personnel while preserving the important interest of the state, which is to assure that the agent does not rebate part of the premium back to the insured and that the public is protected from being victimized by unlicensed or unknowledgeable insurance salesmen. Since this accommodation is available, the Comptroller, like the courts, "declines to extend the McCarran Act exemption to a dispute which should have little or no effect on the interests of policyholders * * *."[18]

3. *Other legal and policy objections.* A variety of additional legal and policy objections to the regulation were raised by a number of commentators. These objections have been found by the Comptroller to be unpersuasive. They include the following contentions:

(a) It was argued that the regulation effects a taking of property without due process of law by depriving privately owned insurance agencies of their credit life insurance income. In the Comptroller's opinion, this argument is invalid because the regulation merely attempts to regulate the conflict of interest that occurs when bank premises, personnel, good will and customers are used for the personal gain of an insider. The minimizing or elimination of undesirable conflicts is within the ambit of conventional bank regulation, especially where, as here, the conflicts are determined to be an unsafe and unsound banking practice.[19] By issuing this regulation, the

[12] Fletcher Cyclopedia of the Law of Private Corporations § 838 (1975 Replacement Volume); W. Cary, Corporations at 525 (4th ed. 1969); *Gadd* v. *Pearson*, 351 F. Supp. 895, 903 (M.D. Fla. 1972) ("Officers and directors of banking corporations generally owe a greater duty than other corporate officers and directors.") See also *United States* v. *Byrum*, 408 U.S. 125, 137–38 (1972) ("A majority shareholder has a fiduciary duty not to misuse his power by promoting his personal interests at the expense of corporate interests. Moreover, the directors also have a fiduciary duty to promote the interests of the corporation.")

[13] Recognizing the inconsistency of licensing employees but not their employers, courts have interpreted state statutes that ostensibly restrict agent licenses to "natural persons" so as to allow corporate employees writing insurance in their own name as agent but on the corporation's behalf to turn over their commissions to the corporation. See *Johnson & Higgins of Mississippi, Inc.* v. *Comm'r of Insurance*, 321 So. 2d 281, 283–84 (Miss. 1975); *O. G. Pierce Co.* v. *Century Indemnity Co.*, 285 N.W. 91, 96 (Neb. 1939); *Bundy* v. *Liberty Life Ins. Co.*, 95 P. 2d 550, 553 (Kan. 1939); *Rogers* v. *Ramey*, 248 S.W. 254, 256 (Ky. 1923); Fletcher, *Cyclopedia of the Law of Private Corporations* § 2600 (rev. perm. ed. 1968); see also *Crall* v. *Commonwealth*, 49 S.E. 638 (Va. 1905) (corporation can engage in peddler's business through a licensed employee); *Wm. Messer Co.* v. *Rothstein*, 129 App. Div. 215, 113 N.Y.S. 772 (N.Y. 1908) (corporation can carry on plumbing business through its licensed employees).

[14] See, e.g., Tex. Ins. Code Ann. art. 21.05 (Vernon).

[15] "S.E.C. v. National Securities, Inc.," 393 U.S. 453, 460, (1969).

[16] "Allied Financial Services, Inc. v. Foremost Ins. Co.," 418 F. Supp. 157, 161 (D. Neb. 1976).

[17] "S.E.C. v. Republic Nat'l Life Ins. Co.," 378 F. Supp. 430, 436 (S.D. N.Y. 1974).

[18] "Allied Financial Services, Inc. v. Foremost Ins. Co.," *supra*.

[19] See the unreported Order in "Trone v. U.S.", 553 F. 2d 105 (Ct. Cl. No. 135–75, Order filed Feb. 4, 1977), *petition for cert. filed*, 45 USLW 3754 (U.S. No. 76–1535 May 5,

Comptroller's office does not seize any assets of private insurance agencies, nor does it receive any benefit other than through the improvement of the banking system." Like many regulations issued by government agencies, this regulation may cause inconvenience to private interests, but that impact, as described subsequently herein, is not thought to be substantial and in any event does not reach the level of a taking of private property without compensation.

(b) It was argued that the regulation attempts to force payment of credit life insurance commissions to an entity which cannot be licensed or is otherwise ineligible to receive them, thereby placing the bank in a dilemma between obeying the state's insurance laws and obeying the Comptroller's regulation. This argument is incorrect. The regulation only requires that a bank choose a means of selling credit life insurance that does not confer a personal benefit on an insider. Where state insurance laws or other legal obstacles appear to prevent the use of a particular method, the bank may select another method so long as the method selected does not benefit employees, officers, directors or selected stockholders personally. Of course, there is no requirement that the bank or its employees make credit life insurance available at all.

(c) It was argued that the regulation will make transfers of ownership of small banks to individual owners more difficult because credit life insurance income will not be available to the new owners to service their bank stock loans. The single comment discussing this contention in detail appeared to suggest that this would leave only one other viable mode of transferring ownership, sale of the bank to a multibank holding company. This alternative, it was argued, "frustrates national policy of preserving competition and preventing concentration in the field of banking."

The Comptroller is not persuaded that the regulation will make transfers of ownership to individual purchasers so difficult that acquisition by a holding company will become the only alternative. Transfers to individual owners have been accomplished successfully for a century without credit life insurance income as a vital ingredient. While credit life insurance income may have played a role in some transfers in some states after 1950, when the use of credit life insurance in banking transactions first became prominent, transfers before that date did not require this income.

4. *Impact on holding companies.* The proposed regulation drew a response from a number of multi-bank holding companies and from holding companies owning only one bank. While many endorsed the prohibitions on receipt by officers, directors and principal stockholders of credit life insurance income, concern was expressed about the applicability of § 2.4(d) which, in effect, prohibited the payment of credit life insurance income to affiliates unless both the bank and the affiliate are wholly owned (disregarding shares held by directors). In some situations, the multi-bank holding company owns all the stock of its subsidiary banks, with the exception of one or two banks in which a few minority shareholders own less than 1 percent of total shares outstanding. Additionally, in a sizable number of instances, a holding company controlling a single bank owns only 80 percent of the bank's stock, with the remainder in the hands of minority shareholders. In both situations, the holding company wishes to continue crediting the credit life insurance income to an insurance agency affiliate, a procedure which had received the Federal Reserve Board's approval at the time of the bank's acquisition.

Section 2.4(d) was originally conceived as a means of assuring that income produced on bank premises remains in the bank. Since credit life insurance is sold on a bank asset, i.e., the bank's loans, it was thought that the bank's books rather than an affiliate's should reflect the income generated. Moreover, as a matter of supervisory policy, the Comptroller and other bank regulatory agencies have always objected to transfers outside the bank of funds earned in the creation of bank assets, believing such to be the payment of a disguised dividend in violation of the provisions of 12 U.S.C. 60. For the same reason, the crediting of this income to an entity other than the bank is prejudicial to the rights of the bank's minority stockholders. In light of these considerations, the Comptroller has advised the Federal Reserve Board several times in the past year that acquisitions of banks should not be permitted where credit life insurance income is used to service holding company debt to the detriment of the bank's own earnings and its minority shareholders.

As far as can be ascertained, retention of this income by the bank should not create serious cash flow problems for the holding company because the holding company's share of this income may still be upstreamed in the form of a dividend declared under 12 U.S.C. 60. Only where the bank has been in less than satisfactory condition for more than two successive years and a dividend cannot be declared would the unavailability of the credit life insurance income cause problems for the holding company. In such a situation, there would seem to be at least as much justification for retaining the income in the bank to assist in restoring it to good health as for paying it directly to the holding company.

While preferring that credit life insurance income be credited to the bank to strengthen its earnings, the Comptroller recognizes that the Federal Reserve Board has until recently approved applications under the Bank Holding Company Act partially on the assumption that this income would be credited directly to the holding company for use in servicing its debt. The industry in turn has come to regard crediting of this income to the holding company or its insurance agency subsidiary as an accepted practice. Therefore, the Comptroller has eliminated § 2.4(d) of the proposed regulation and added a new provision, § 2.4 (b), authorizing less than wholly owned banks to continue crediting this income to affiliates provided the minority shareholders' pro rata share is placed in trust and distributed periodically. Since the administrative cost of producing credit life insurance income is close to negligible, the share allocated to the trust for minority stockholders may not be reduced significantly to compensate for production expenses. National bank examiners will monitor the trust account and the income paid to it and request correction of unjustified reductions.

5. *Impact on small banks.* Some comments contended that the regulation would adversely affect small banks which allegedly cannot afford to pay the salaries necessary to attract and retain qualified personnel without the supplement of credit life commissions. For example, the Nebraska Bankers Association argued that the "original consideration of officer compensation of a large number of small banks contemplated outside income to the officer from several sources including credit life insurance income. The implementation of this rule could well change the entire employment picture of the involved banks."

Provided certain procedures are followed, the Comptroller believes this regulation will have no substantial impact on most of the banks where credit life insurance income is now paid to individuals. If the credit life insurance income is credited to the bank and officers' salaries are adjusted correspondingly upwards to compensate for their lost income, the result, from an accounting standpoint, should be a wash. Some banks converting from a salary-plus-credit life insurance income pay plan to a straight salary arrangement may incur minor additional liabilities where employee fringe benefits have been tied to salary but not to credit life insurance income.

In the remaining cases, some difficulty may be experienced where the income received by an officer is substantial and the bank's board of directors is unwilling to raise the officer's salary by an amount equivalent to the insurance income he had been receiving. An example is described in the Notice of Proposed Rulemaking. The bank was small, with $17 million in assets at year-end 1975. The president's salary and bonus amounted to $24,660. In addition, the president received $78,000 in credit life insurance income. Whether the bank's board would be willing to increase the president's salary to $102,000 to compensate for assigning his $78,000 of insurance income to bank earnings, is a question the board must decide, taking into account salaries paid at other banks of a similar size and, more importantly, the earnings position of the bank and the responsibilities assumed. If the board refuses to increase the president's salary

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1977); "Eastport Steamship Corp. v. United States", 372 F. 2d 1002, 1011-1012 (Ct. Cl. 1967).

[8] "Trone v. U.S." (unreported Order), *supra*.

by the full $78,000, one could conclude that the Comptroller's regulation had an adverse effect upon him. However, the net effect on the bank would be positive, since its net income would be enhanced by the difference between $78,000 and whatever salary the board selected for its president.

Only in situations where it is determined that the bank cannot receive credit life commissions at all is there the possibility of an adverse effect on the bank. In that instance, the regulation would prohibit retention of commissions by loan officers, causing the bank to raise salaries to make up the difference between the officer's gross income prior to the regulation and his straight salary as set by the board. This would not mean, however, that the bank's net income would be substantially reduced because income derived from alternative methods of providing credit life coverage listed in § 2.6 would be available to offset additional salary expense. For example, experience refunds from the group policy approach would furnish additional revenue, as would arrangements with the underwriter to reimburse the bank for services rendered in selling credit life insurance, maintaining an account to receive premiums, disbursing premiums to the underwriter and issuing a statement of account on a periodic basis. Even where a bank elects to provide coverage at its own expense under an "outstanding loan balance policy," the impact on bank earnings should be sustainable.

The regulation may have an adverse impact upon individual investors or small groups of investors who have purchased control of a bank or a group of banks relying heavily upon credit life insurance income to service their bank stock loans. To some extent the impact will be reduced where the bank is able to pay an increased dividend from the credit life insurance income. In other cases, investors may have to use funds from other sources to service their bank stock loans or seek a recasting of the loan agreement. Nevertheless, the Comptroller believes that where an investor must rely on dividends rather than on insurance income or other fees extracted from the bank, his interest in running a sound, profitable operation increases. Thus, while the regulation may have some short term adverse effects upon a small number of leveraged controlling stockholders, especially those who engage in chain banking, it should produce a sounder banking system over time.

6. *Tax considerations.* Several comments argued that the regulation will have an adverse tax impact on some bank holding companies and banks.

Initially, the Comptroller notes that the desirability of a regulation governing the disposition of credit life insurance income cannot be affected significantly by tax considerations. Whether the regulation should be issued must be determined by banking factors, not tax factors. The Comptroller's obligation is to assure a safe and sound banking system, not to wink at undesirable banking practices because they have a favorable tax impact on a small group of individuals. Nevertheless, the Comptroller has considered the tax issues raised by the few comments which discussed this subject. Each issue is discussed briefly below.

According to several comments, the regulation would deprive closely held bank holding companies of a type of income needed to avoid falling within the Internal Revenue Code's definition of "personal holding company," which is subject to additional taxation.[21] Since the Comptroller has added a new provision, § 2.4(b), which permits continued transfer of credit life insurance income to the holding company or its insurance agency subsidiary provided that the minority shareholders' pro rata share is placed in trust, this concern is no longer present.

Other comments suggest that receipt of the credit life insurance income by a national bank will subject that income to the corporate tax rate, which is higher than the rate that would be assessed against a loan officer who receives the income directly. The Comptroller notes, however, that the corporate tax rate is applied against net income, not gross income, and if the credit life insurance income of the bank is balanced by expenses in the form of increased salaries to loan officers who previously received insurance income directly, the tax impact is negligible.

Finally, it is argued that a loan officer who assigns his credit life insurance commissions to the bank remains liable to the Internal Revenue Service for the commissions received. The IRS has informally advised the Comptroller's office that each case depends on its own facts, and that an advance ruling can be requested by any interested party.[22] Recent court cases suggest that the IRS has not sought so much to establish employee liability for insurance income assigned to the bank as it has sought to establish bank liability under IRC § 61 for income received and retained by bank employees who sell insurance on bank premises to bank loan customers.[23]

7. *Burden on Directors.* Several comments expressed the opinion that § 2.5 of the proposed regulation places a heavy burden on boards of directors by requiring board approval of the selection of an underwriter, the agreements between the underwriter and the bank or its employees, officers, directors or principal shareholders, and the manner in which credit life insurance income is distributed.

This provision was originally proposed in light of the Comptroller's discovery that some boards have been unaware of the direct receipt by bank officers of credit life insurance income. In other cases, some directors were aware of the practice but others were not. Additionally, since the sale of credit life insurance is highly lucrative and can constitute a significant percentage of a bank's pretax income, it was thought that for this reason alone directors should take a personal interest in the way this aspect of the bank's business is conducted.

In the Comptroller's opinion, these considerations warrant a separate provision in the regulation requiring a measure of review by directors of the bank's credit life insurance arrangements. To reduce the burden on directors, § 2.5 has been modified so as not to apply where (1) all income from credit life insurance sales is credited to the bank's income accounts and no employee, officer, director or principal shareholder benefits personally or (2) the bank is wholly owned by a holding company (except directors' qualifying shares) and the credit life insurance income is credited either to an affiliate that is also wholly owned or to the holding company. With respect to (1), the exemption applies only if the board or a committee thereof has made a reasonable investigation to determine whether any employee, officer, director or principal shareholder is personally benefitting from the sale of credit life insurance.

SUPPLEMENTARY STATEMENT OF SUPERVISORY CONSIDERATIONS UNDERLYING THE REGULATION

1. *Obligations of Officers and Directors.* The purpose of this regulation is in part to make clear the obligations of the bank, its directors and officers with respect to credit life insurance, while assuring flexible approaches to the satisfying of the obligations. On the basis of common law principles and 12 U.S.C. 73, the Comptroller believes that if a national bank wishes to make credit life insurance coverage available, it is incumbent on the bank's directors and officers to seek a means of providing this insurance so that personal benefits do not accrue to insiders. Thus, where state insurance laws or other legal obstacles appear to preclude the assignment to the bank of commissions received by a licensed officer or director, the bank should select another approach. Some possible alternatives are listed in § 2.6 of the regulation.

Two alternatives which avoid most and perhaps all legal problems are (1) making credit life insurance coverage available to loan customers at the bank's expense (§ 2.6(f) of the regulation), and (2) securing a group policy under which loan customers are enrolled, with the bank as the policyholder (§ 2.6(c) of the regulation). Since the bank has a strong interest in assuring the repayment of its loans in the event of the borrower's death, it has the necessary incentive to provide free credit life insurance coverage if coverage cannot be sold without producing income that a bank cannot receive. According to information obtained from the National Credit Union Administration, a majority of the nation's federal credit unions provide their custom-

[21] See generally IRC §§ 541–543.

[22] Section 6 of Rev. Proc. 72-3 sets out guidelines to be followed when requesting an advance ruling from the IRS.

[23] See, e.g., "Ronan State Bank v. Commissioner" 62 T.C. 27 (1974); "Olla State Bank v. U.S.", Civ. No. 761278 (W.D. La., judgment filed May 16, 1977).

ers with automatic credit life insurance coverage at the credit unions' expense. Moreover, a bank providing free credit life insurance on its loans could advertise that fact, as credit unions do, and make their loan packages more attractive vis-a-vis their competitors. This option is a corporate opportunity which could benefit the bank in attracting increased loan business.

The second alternative calls for the bank to obtain a group policy naming the bank as the policyholder. Since creditors who enroll loan customers under a group policy are not considered, either by the insurance industry or by most state insurance administrators, as agents for whom a license is required, this alternative usually avoids difficult questions of licensing and the disposition of commissions. Moreover, the Comptroller's position for many years has been that the legal posture of a bank holding a group policy is merely that of a holder of a group policy, not that of an insurance agent.[24]

Under some group policies, the underwriter pays the policyholder a dividend, frequently referred to as an "experience refund" or "retrospective rate credit," based on the insurer's loss experience. In the Comptroller's opinion, national banks may legally receive any experience refund paid by an insurer and may take the same into the bank's income accounts. Even if national banks in towns of more than 5,000 persons could not receive "commissions", as that term is used in 12 U.S.C. 92, the experience refund would be legally receivable because it does not constitute a "commission." A commission is usually an agreed percentage of the premium and is paid to an agent for services rendered in effecting the sale. As a general rule, a commission is fully earned immediately upon the writing of the policy.[25] In contrast, an experience refund is not a fixed amount but fluctuates depending on the underwriter's loss experience. It is not paid to the agent but to the policyholder, and is paid on a periodic basis (e.g., annually) rather than at the time of the sale. As summarized by the general counsel for a major credit life insurance underwriter, "* * * an experience refund is a partial return of consideration previously paid, and a commission is compensation for service rendered. Incidentally, commissions are paid by an insurer pursuant to the terms of an agency agreement with an agent. Experience refunds are paid pursuant to a provision contained in the group policy in question." The experience refund is akin to a dividend and is often referred to as such.[26] Both the insurance industry and the banking industry regard the group policy experience refund approach as an acceptable method of selling credit life insurance to loan customers.[27]

Another alternative is the sale of individual policies pursuant to an arrangement which obligates the underwriter to reimburse the bank for its administrative expenses. The Comptroller's Office has approved this plan for American Bankers Life Insurance Company of Miami, the fifth largest credit life underwriter in the nation. In the same ruling, the Comptroller's staff expressed its view that the bank may levy a service charge or discount for the banking services entailed in the collection of premiums. Thus, where a bank makes a charge for the service it provides in (a) maintaining a special account to receive the premiums, (b) furnishing statements recording cash flow into and out of the account, and (c) making disbursements from the account to the insurance company, such charges or discounts are traditional banking charges and not commissions. This alternative is listed in § 2.6(e) of the regulation.

Since publication in July 1976 of the proposed regulation, the banking industry has devised other alternatives. A group of banks in Montana (not part of a holding company) plans to continue its present practice of allocating credit life insurance income to the separately owned insurance agency at each bank, and place in trust that portion of the income belonging to each bank's minority shareholders. In this way, existing practice remains undisturbed but all shareholders rather than a select few receive the benefits. Meanwhile, an Oklahoma bank intends to establish a corporate insurance agency owned by a business trust whose sole beneficiary is the bank.[28] Both alternatives have received the approval of the Comptroller's Office.

Thus, there are several alternative methods by which national banks can make credit insurance available to their customers.[29] Each alternative, including providing the coverage at bank expense,[30] is a corporate opportunity owned by the bank and all its stockholders. Officers and directors have a fiduciary obligation to seek out and choose one of these alternatives over an approach which inures to their personal benefit.

To demand that directors make a serious effort to find a legally permissible means by which to do something and to insist that they choose this means over another which could only benefit themselves, is not imposing a duty on the directors inconsistent with corporate law. The case law now imposes a similar duty on directors in situations where it is claimed that the directors are justified in seizing a corporate opportunity for themselves because the corporation is financially unable to acquire it.[31] This standard is especially appropriate for financial institutions, whose existence depends on public faith.

2. *Unsafe and unsound banking practices.* An additional basis for this regulation is the Comptroller's opinion that

[24] A holder of a group policy usually does not enter into a formal agency agreement with the underwriter. Whatever agreement is executed does not resemble the typical agreement of agency between the underwriter and a designated insurance agent. This was implicitly recognized in *Boseman* v. *Connecticut General Life Insurance Co.*, 301 U.S. 196 (1937), where a corporation obtained a group insurance policy and then accepted applications from its employees for coverage thereunder. In this situation, said the Court, "* * * employers act not as agents of the insurer but for their employees or for themselves." 301 U.S. at 204–205. Where creditors perform the ministerial task of enrolling a loan customer under a group policy, legal analysis yields the same conclusion. *See* Gregg, "Life and Health Insurance Handbook (2d ed. 1964) at 386–7 ("* * * the arrangement among the insurer, the creditor and the debtor is analogous to the arrangement which exists among an insurer, an employer, and an employee in the usual group context."); National Association of Insurance Commissioners, "A Background Study of the Regulation of Credit Life and Disability Insurance" (Milwaukee 1970) at 122 ("Currently, a creditor selling individual policies is required to be licensed as an agent. A creditor using the group policy approach is not so required on the theory that he merely 'enrolls' the debtor rather than sells coverage to him.").

[25] *Commonwealth* v. *Safeguard Mutual Ins. Co.*, 336 A. 2d 674, 685. (Pa. 1975).

[26] Kedzie, "Consumer Credit Insurance" at 41, 96 (1957); see also *Slattery* v. *Pullman Co.*, 153 A. 2d 575, 576–77 (Del. Ch. 1959).

[27] In 1968, the Texas Commissioner of Insurance and the Regional Administrator of National Banks issued a joint statement which declared that "The State Board of Insurance recognizes that experience refunds may be paid to a national bank as a policyholder under a group credit policy * * *." Section 15 of the Rules, Rates and Regulations of the Texas State Board of Insurance relating to Credit Life and Credit Accident and Health Insurance also recognizes that experience refunds may be paid to "policyholder-creditors." However, the State Board of Insurance disclaims jurisdiction over the question of whether the creditor may retain the experience refunds or is obliged to pass them on to the debtor. This issue has arisen in litigation in other states. See *Householder* v. *United California Bank*, No. 972043 (Los Angeles Super. Ct. 1976); *Keniston* v. *American Nat'l Ins. Co.*, 31 Cal. App. 3d 803, 107 Cal. Rptr. 583 Dist. Ct. App. 1973); *Slattery* v. *Pullman Co.*, supra The Comptroller expresses no opinion on this issue, but notes that section 2.6(g) of the regulation permits a national bank to refund its experience refunds to loan customers.

[28] In Opinion No. 65–213 dated April 23, 1965 and reaffirmed on November 17, 1975, the Attorney General of Oklahoma ruled that a business trust can own an insurance agency in that state.

[29] Still another alternative suggested to the Comptroller's Office but deferred for further study calls for the auctioning on an annual basis to the highest bidder of the right to sell credit life insurance at a desk established in the bank's lobby. If the auction were bona fide the bank could acquire valuable income. Further study is necessary to determine how to assure a bona fide auction and whether insiders should be prohibited from bidding.

[30] As stated previously, the option of offering credit life insurance at the bank's expense is valuable to the bank because it allows the bank to offer a more attractive loan package to prospective borrowers. It is, in short, a competitive tool useful in attracting business.

[31] See, e.g., Irving Trust Co. v. Deutsch, 73 F. 2d 121 (2d Cir. 1934), cert. denied, 294 U.S. 708 (1935); see also Cain v. Cain, 334 N.E. 2d 650, 656 (Mass. 1975); Henn, "Handbook of the Law of Corporations" at 464 (West Publishing Co. 1970); Fogel v. Chestnutt, 533 F. 2d 731 (2d Cir. 1975), cert. denied, 429 U.S. 824 (1976).

the retention of credit life insurance income by employees, officers, directors and selected stockholders is an unsafe and unsound banking practice.

The Comptroller is not aware nor was he referred by the comments to any other instance in the banking industry where income generated by bank employees on bank premises using bank customers and bank good will is allowed to be paid directly to and retained by individuals. It is a highly irregular practice, contrasting sharply with the traditional banking penchant for an orderly accounting of funds. It is also the antithesis of what bankers expect in a borrower's financial affairs and financial statements. If bankers demand a forthright and systematic approach to accounting for income and expenses by loan customers, they must, at the price of losing public confidence, abide by the same rules for their own internal affairs.

The practice of permitting insiders to benefit from credit life insurance income can be described as abusive self-dealing. Since bank premises and good will are used in its production, this characterization may apply regardless of whether the bank itself can legally act as agent or receive commission income directly or indirectly, but it is especially appropriate when other means of making credit life insurance are available that would eliminate this orderly practice. Because abusive self-dealing has been the source of many bank failures in recent years,[32] bank directors and officers have an affirmative duty to avoid or minimize it wherever possible.

In this respect, some commentators argued that the Comptroller's concern about the handling of credit life insurance income at their banks is misplaced because the banks are healthy and the board of directors and stockholders are aware of the practice. The short answer is that healthy banks must be as scrupulous in their dealings with insiders as unhealthy banks in order to preclude the development of an unsafe and unsound condition.

The disturbing nature of the practices which this regulation is designed to prohibit is illustrated in the Notice of Proposed Rulemaking. The examples cited show that on occasion large sums derived from credit life insurance sales are paid to officers, directors and selected stockholders, sometimes without the knowledge of the full board. In addition, the Comptroller has become aware of a tendency for an investor or a small group of investors to acquire a bank or a chain of banks in reliance upon the credit life insurance income to service bank stock loans. The Comptroller believes this is an unsafe and unsound practice because it decreases the investor's concern for and interest in running a sound and profitable bank. Specifically, energy that could be spent on finding new and profitable investments benefitting the bank is instead devoted to selling credit life insurance for the benefit of insiders, thereby foreclosing an opportunity for the bank to increase its earnings. This is true regardless of whether credit life insurance commissions are deemed by the parties to be receivable by the bank. Moreover, where investors are allowed to depend on an uninterrupted flow of credit life insurance income transmitted in the form of something other than a duly declared dividend, their incentive to increase bank earnings from which dividends can be paid is certain to diminish. On the other hand, where investors must rely on dividends rather than on extraneous sources of income to service their bank stock loans, their interest in the bank's overall profitability is likely to increase.

Finally, the payment to and retention of credit life insurance commissions by insiders, especially loan officers, conflicts with their duty to make only those loans that appear to represent a financially sound investment for the bank. Although many comments received by the Comptroller took a contrary view, the Comptroller believes that a loan officer's judgment on credit quality can and may be influenced by the direct financial reward he receives from making a loan with credit life insurance attached. As one commentator noted, "When commissions are received by bank officers, either as outright bonuses or as compensation in lieu of salary, the prospect of personal financial gain is interjected into the lending decision. The gain goes to the officer while the risk is borne by the bank, thereby undermining risk-reward calculation." The Comptroller also notes that bankers have condemned the use of incentives to generate high loan volume because it might inhibit loan quality;[33] the same reasoning would seem applicable to the use of incentives for the sale of credit life insurance on bank loans.

3. *Antitrust considerations.* An additional basis on which the Comptroller promulgates this regulation is his concern that the use of credit life insurance commissions as an incentive to encourage loan officers to sell credit life insurance tends to increase the chances of an illegal tie-in between the sale of credit life insurance and the granting of credit.

While the use of incentives to generate sales of one product closely associated with another being sold simultaneously cannot be considered a per se violation of the federal antitrust laws or of the anti-tying provisions of the Bank Holding Company Act Amendments of 1970,[34] special concern is warranted in credit life insurance sales to loan customers in view of the widespread suspicion that such sales are less than fully voluntary on the part of the borrower.[35]

In view of the extensive experience of the Federal Trade Commission in the application of the antitrust laws to the sale of credit life insurance to borrowers,[36] the Comptroller believes the Commission's views are entitled to significant weight on this issue. According to the Commission, the Comptroller's regulation "will partially alleviate the problem of coercive and deceptive credit insurance sales practices by eliminating one aspect of a compensation system which tends to foster abuse."

4. *Impact on consumers.* In a limited way, the regulation should have a beneficial impact on consumers who borrow from national banks. Since loan officers are prohibited by the regulation from benefitting personally on the sale of credit life insurance, there is less likelihood that a borrower will be persuaded

[32] The Federal Deposit Insurance Corporation has stated that "Abusive self-dealing has been a significant contributing factor in more than half of all bank failures since 1960. * * * Losses to the deposit insurance fund as a result of these failures are likely to exceed $175 million." FDIC Press Release (PR-13-76) dated Feb. 25, 1976. See also Clark, "The Soundness of Financial Intermediaries," 86 Yale L. J. 1, 77 (1976); "The Failure of Citizens State Bank of Carrizo Springs, Texas, and Related Financial Problems, Hearings before the Subcomm. on Financial Institutions Supervision, Regulation and Insurance of the House Comm. on Banking, Currency and Housing," 94th Cong. 2d Sess. (1976).

[33] O. Leslie Nell, "Lending by Bank Holding Company Subsidiaries: How Can We Maintain Loan Quality?", The Journal of Commercial Bank Lending at 16 (July 1974).

[34] 12 U.S.C. 1971 *et seq.*

[35] For example, a Federal Reserve Board study in 1969 revealed that some banks succeeded in selling credit life insurance on up to 90 percent of their direct consumer loans, even though purchasing such insurance is supposedly not a condition of the loan. This is discussed in the "Statement of John F. Neville, General Counsel of the Independent Insurance Agents of America, Inc., before the New York State Insurance Dept.", Dec. 10, 1976, at p. 11. See also, "The Tie-In Sale of Credit Insurance in Connection with Small Loans and Other Transactions," Subcomm. on Antitrust and Monopoly Legislation of the Senate Comm. on the Judiciary, 83rd Cong. 2d Sess. (1955), reprinted in subsequent hearings on the same subject, "Consumer Credit Industry, Hearings pursuant to S. Res. 26 before the Subcomm. on Antitrust and Monopoly of the Senate Comm. on the Judiciary," 90th Cong., 1st Sess. (1967) at 227; see also "Consumer Credit Insurance Act of 1969, Hearings on S. 1754 before the Subcomm. on Financial Institutions of the Senate Comm. on Banking and Currency," 91st Cong., 1st Sess. at 163 (1969) (comments from Federal Reserve Board Study on susceptibility of debtors to creditors' recommendations on the purchase of credit life insurance); "Statement of Edward J. Kremer, Chairman of the Federal Affairs Committee of the Independent Insurance Agents of America, Inc., Competition in Banking Act of 1976, Hearings on S. 2721 before the Comm. on Banking, Housing and Urban Affairs," 94th Cong., 2d Sess. 28-30 (1976); National Ass'n of Insurance Commissioners, "A Background Study of the Regulation of Credit Life and Disability Insurance" at 41, 59-60 (1970).

[36] See, e.g., "Peacock Buick," D. 8976 (F.T.C. final order, Dec. 19, 1975), CCH Trade Reg. Rep. (1973-1976 Transfer Binder) ¶ 21,105 and ¶ 21,083 (1976); *F.T.C.* v. *Jorgensen*, Misc. No. 75-46 (D.D.C., filed May 15, 1975), 5 CCH Consumer Credit Guide ¶ 98,594; "Commercial Credit Corp," 82 F.T.C. 1841 (1973); "Gulf South Corp.," 83 F.T.C. 1119 (1973); "1974 Annual Report of the Federal Trade Commission to the Board of Governors of the Federal Reserve System," reproduced as an attachment to "Statement of Sheldon Feldman, Consumer Information, Hearings before the Subcomm. on Consumer Affairs of the Comm. on Banking, Currency, and Housing," 94th Cong., 1st Sess. 45-60 (1975).

to purchase unneeded credit life insurance. With the elimination of direct incentives for loan officers, the chance of an illegal tie-in of credit life insurance with the granting of credit decreases.

The borrowing public may also benefit from lower rates on credit life insurance. In states where insurance laws are interpreted as precluding a bank from holding a license to sell credit life insurance or a licensed officer from assigning his commissions to the bank, the bank may have to utilize the group policy or outstanding loan balance approaches. Since the bank pays the premium in an outstanding loan balance arrangement, the consumer will receive free credit life insurance and will benefit to the extent that the bank's cost is not passed on through increases in other charges associated with instalment loans. In the case of group policies, there is also some evidence that the consumer may benefit from a lower premium structure.

Lower rates may also be anticipated if state legislatures, when revising their insurance laws to clarify ambiguities about the sale of credit life insurance by financial institutions, take the opportunity simultaneously to effect a reduction in the charges for this insurance or if insurance commissioners, acting under appropriate administrative authority, mandate such a reduction."

SUMMARY OF ADDITIONAL MODIFICATIONS TO THE REGULATION

After consideration of all comments received and additional staff analysis, the Comptroller has determined that several additional modifications not referred to above would be appropriate. These additional modifications are summarized below.

1. *Section 2.2.* The first sentence has been expanded to cover credit life insurance sold by corporations, partnerships, associations or other entities in which employees, officers, directors or principal shareholders have an interest of more than 5 percent. An additional paragraph has been added to define the regulation's overall purpose. The new paragraph provides that the purpose of the regulation is (i) to prohibit employees, officers, directors and principal shareholders of national banks from benefitting personally on the sale of credit life insurance to loan customers and (ii) to encourage marketing of credit life insurance through the use of bank facilities only under arrangements which insure that employees, officers, directors and principal shareholders do not receive benefits not shared with all stockholders of the bank.

2. *Section 2.3.* A definition of "credit life insurance" has been added. "Credit life insurance" is defined as credit life, health and accident insurance, sometimes referred to as credit life and disability insurance. The phrase "beneficial ownership" has been changed to "interest".

3. *Section 2.4.* Subsection (a) has been reowrded so as to remove the implication that credit life insurance commission income must be credited to the bank regardless of any legal obstacles that allegedly exist. In its place, the Comptroller has substituted a simple prohibition on the retention of credit life insurance income by bank employees, officers, directors or individual shareholders owning 5 percent or more of the bank's stock. In this way, the regulation has been converted from one which, with certain exceptions, might have been interpreted as mandating the receipt by the bank of the commissions, to one which more accurately carries out the regulation's purpose: prohibiting insiders from personally benefitting on credit life insurance sales on bank premises to bank customers. Where legal questions seem to present obstacles to the bank's direct receipt of credit life insurance income, national banks may use one of the other methods of marketing credit life insurance listed in § 2.6. At least two of these methods appear to be available in every state, and there may be others which allow a bank to provide credit life insurance without generating profits for the personal benefit of insiders.

4. *Section 2.6.* A new sentence has been added to what was formerly subsection (a). This sentence intends to clarify that where state insurance laws or other legal considerations appear to preclude the use of a particular method of providing credit life insurance to loan customers, a bank may select an alternative that complies with § 2.4. This modification is intended as practical guidance for bankers and does not constitute a concession by the Comptroller that a national bank's authority to offer credit life insurance and earn commissions or other income therefrom is in any way restricted by federal law, the McFarran-Ferguson Act or state insurance laws.

Subsection (3) (i) of the proposed regulation providing that a national bank may not obtain a group credit life insurance policy through its own employees, directors, officers or principal shareholders except under certain conditions has been deleted because the excepted circumstances were deemed to be inconsistent with § 2.4. Unless the specified party can arrange to acquire a group policy without receiving a commission or other personal benefit, such arrangements should be made directly with the underwriter or through a party having no affiliation with the bank.

Subsection (b) of the proposed regulation has been redesignated as § 2.7. A new provision specifies that modifications will be granted only where assurance is provided that the overall purposes of the regulation will be achieved within a short time after its effective date. Two additional new sentences provide instructions for filing requests for modification.

5. *Effective date.* This regulation is effective on January 1, 1978. A delay in the effective date has been established to allow the Comptroller to make minor technical changes in the regulation if such should become necessary and to give banks most affected by the regulation an opportunity to adjust employee salaries or make other arrangements for compliance.

Accordingly, Part 2 of Title 12 of the Code of Federal Regulations is added as follows:

Sec.
2.1 Authority.
2.2 Scope and purpose.
2.3 Definitions.
2.4 Distribution of credit life insurance income.
2.5 Responsibilities of directors.
2.6 Methods of selling credit life insurance.
2.7 Reserved authority.

AUTHORITY: 12 U.S.C. 1 et seq., 24(7), 60, 73, 92, 1818(b).

§ 2.1 Authority.

This part is issued by the Comptroller of the Currency under the general authority of the national banking laws, 12 U.S.C. 1 et seq., and under the specific authority of 12 U.S.C. 24(7), 60, 73, 92 and 1818(b).

§ 2.2 Scope and purpose.

(a) This part applies to sales of credit life, health and accident insurance ("credit life insurance") by employees, officers, directors and principal shareholders of a national bank and by corporations, partnerships, associations or other entities in which such persons have an interest of more than 5 percent.

(b) The purposes of this part are (1) to prohibit employees, officers, directors and principal shareholders of national banks from benefitting personally on the sale of credit life insurance to loan customers and (2) to encourage marketing of credit life insurance through the use of bank facilities only under arrangements which assure that employees, officers, directors and principal shareholders do not receive benefits not shared with all stockholders of the bank.

§ 2.3 Definitions.

(a) "Bank" means a national banking association or a bank located in the District of Columbia and subject to the supervision of the Comptroller of the Currency.

(b) "Interest" shall include:

(1) Ownership through a spouse or minor children;

(2) Ownership through a broker, nominee or agent;

(3) Ownership through a corporation, partnership, association, joint venture or proprietorship controlled by a director, officer, employee or principal shareholder of the bank.

(c) "Principal shareholder" means any shareholder who directly or indirectly owns or controls an interest of more than 5 percent in the bank's outstanding shares.

(d) The terms "officer," "director," "employee" and "principal shareholder"

" Cf. *Credit Ins. General Agents Ass'n. of California, Inc.* v. *Payne*, 547 P. 2d 993, 128 Cal. Rptr. 881 (1976), in which the Supreme Court of California decided that the Insurance Commissioner had sufficient authority to order a reduction in credit life insurance commissions paid to agents. A similar controversy is pending in Minnesota, *Old Republic Life Ins. Co.* v. *Heaton*, File No. 398257 (Ramsey Cty Dist. Ct., filed June 1974).

shall include the spouse and minor children of such officer, director, employee or principal shareholder.

(e) The term "credit life insurance" means credit life, health and accident insurance, sometimes referred to as credit life and disability insurance.

§ 2.4 Distribution of credit life insurance income.

(a) No bank employee, officer, director or principal shareholder may retain commissions or other income from the sale of credit life insurance in connection with any loan made by the bank. Except as provided in subsequent paragraphs of this section, retention of credit life insurance income by such persons or by corporations, partnerships, associations or other entities in which such persons have an interest of more than 5 percent is an unsafe and unsound banking practice.

(b) Income from the sale of credit life insurance to loan customers may be credited to an affiliate of the bank: *Provided*, That income in proportion to shares held by the bank's minority shareholders (other than directors) is placed in trust and paid to them periodically.

(c) Other permissible arrangements for the distribution of credit life insurance income include:

(1) Where the bank is wholly owned (except for directors' shares) by a holding company, income from the sale of credit life insurance may be credited either to an affiliate which is also wholly owned or to the holding company;

(2) Where there is no holding company, income from the sale of credit life insurance may be credited to an affiliate whose shareholders are identical to those of the bank;

(3) Income from the sale of credit life insurance may be credited to a trust for the benefit of all shareholders of the bank, or to a corporation or wholly owned subsidiary thereof whose stock is held in trust for the benefit of all shareholders.

(d) Nothing in this section shall be construed to prohibit a bank employee, officer, director, or principal shareholder who holds an insurance agent's license from agreeing to compensate the bank for the use of its premises, employees and good will: *Provided*, That all income received by said employee, officer, director, or principal shareholder from this activity is turned over to the bank as compensation.

§ 2.5 Responsibilities of directors.

(a) The selection of an insurance underwriter, the agreements between the underwriter and the bank or its employees, officers, directors, or principal shareholders, and the manner in which income from the sale of credit life insurance is distributed shall be approved by an appropriate resolution of the bank's board of directors. Such resolution shall set forth the name of the underwriter(s), a description of the agreement with the underwriter as to the collection of premiums and the disbursement thereof, and a discussion of the manner in which income from the sale of credit life insurance is to be allocated. However, the requirements of this paragraph shall not apply where (1) all income from the sale of credit life insurance is credited to the income accounts of the bank and no employee, officer, director, or principal shareholder receives a personal benefit from such sales, or (2) where the bank is wholly owned by a holding company (except directors' qualifying shares) and the credit life insurance income is credited either to an affiliate that is also wholly owned or to the holding company.

(b) When carrying out their responsibilities under paragraph (a) above, the directors shall observe the rules in § 2.4, and shall be mindful of their duty under both the common law and 12 U.S.C. 73 to promote and advance the interests of the bank over their own personal interests.

§ 2.6 Methods of selling credit life insurance.

Pursuant to 12 U.S.C. 24(7), a bank may furnish credit life insurance to its loan customers by any of the methods listed below. Where state insurance laws or other legal considerations appear to preclude the use of a particular method, a bank may select an alternative that complies with § 2.4 of this regulation. The list below is not intended to be exclusive.

(a) A bank may act as agent for the sale of credit life insurance and receive income in the form of commissions.

(b) An employee, officer, director, or principal shareholder may be licensed as an insurance agent for the sale of credit life insurance to loan customers, provided the rules in § 2.4 are observed.

(c) A bank may acquire a group credit life insurance policy and provide coverage thereunder to loan customers. A bank that makes credit life insurance coverage available by means of a group policy may receive experience refunds, dividends or retrospective rate credits as provided in the policy.

(d) As compensation for the use of its premises, personnel and good will, a bank may contract with an employee, officer, director or principal shareholder to receive income payable to said individual from the sale of credit life insurance: *Provided*, That said individual is obligated in the contract to pay over to the bank all of the income received.

(e) A bank may accept reimbursement from an insurance company for services rendered by the bank in selling credit life insurance, maintaining an account to receive premiums, disbursing premiums to the underwriter, and issuing a statement of account on a periodic basis.

(f) A bank may provide credit life insurance coverage to borrowers at its own expense.

(g) A bank may refund to its loan customers who purchase credit life insurance all commissions, experience refunds or other income received from the underwriter.

§ 2.7 Reserved authority.

The Comptroller reserves the right to give written approval to a bank's request to modify the applicability of this part to that bank because of that bank's particular circumstances. Modifications will be granted only where assurance is provided that the overall purposes of the regulation will be achieved within a short time after its effective date. Applications for modification should be addressed to the Comptroller of the Currency, Washington, D.C. 20219, in the form of a letter approved by the board of directors and accompanied by an indication of the number of dissenting directors and a summary of their views. A copy of such application should simultaneously be provided to the appropriate Regional Administrator. All applications and their disposition by the Comptroller will be available for public inspection at the Washington, D.C., office.

Dated: September 14, 1977.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc.77-27776 Filed 9-22-77;8:45 am]

federal register

FRIDAY, SEPTEMBER 23, 1977

PART V

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

INDIRECT ADDITIVES: POLYMERS

Acrylonitrile Copolymers Used to Fabricate Beverage Containers; Final Decision

Title 21—Food and Drugs

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

[Docket No. 76N-0070]

PART 177—INDIRECT ADDITIVES: POLYMERS

Acrylonitrile Copolymers Used To Fabricate Beverage Containers; Final Decision

AGENCY: Food and Drug Administration (FDA).

ACTION: Final Decision Following A Formal Evidentiary Public Hearing, Findings Of Fact, Conclusions Of Law and Final Order.

SUMMARY: The Commissioner is publishing his final decision following a formal evidentiary public hearing in a rulemaking proceeding concerning acrylonitrile copolymers used to fabricate beverage containers. He has determined that acrylonitrile copolymers used to fabricate beverage containers are food additives and that they have not been shown to be safe. He affirms the Initial Decision of the Administrative Law Judge with the modifications and supplementation stated below. The food additive regulations at issue (21 CFR 177.1020, 177.1030, 177.1040, 177.1050, and 177.1480) are amended to eliminate use of acrylonitrile copolymers to fabricate beverage containers.

EFFECTIVE DATE: The effective date of the final decision is September 19, 1977. The final order amending the regulations is effective December 22, 1977.

ADDRESS: The transcript of the hearing, evidence submitted and all other documents cited in this decision may be seen in the Office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Ted Herman, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, (303-443-3480).

SUPPLEMENTARY INFORMATION: The purpose of this rulemaking proceeding is to decide whether acrylonitrile copolymers used to fabricate beverage containers are food additives within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act (the Act), 21 U.S.C. 301 et seq., 321(s), and whether they have been shown to be safe under section 409 of the Act, 21 U.S.C. 348.

I. History

Acrylonitrile copolymers have been permitted to be used in beverage containers under the following food additive regulations: 21 CFR 177.1020, 177.1030, 177.1040, 177.1050, and 177.1480. In the FEDERAL REGISTER of June 14, 1976 (41 FR 23940), the Commissioner issued an interim regulation (21 CFR 180.22, formerly 21 CFR 121.4010), requiring additional testing to be undertaken to determine whether acrylonitrile is safe for use in beverage containers and for other food contact uses. The Natural Resources Defense Council (NRDC) objected to the interim regulation, and requested a stay of the regulations and hearing on whether acrylonitrile could continue to be safely used. When the tests undertaken pursuant to the interim regulation showed positive results, the Commissioner issued an order, published in the FEDERAL REGISTER of March 11, 1977 (42 FR 13546), which stayed the regulations to the extent they permitted acrylonitrile copolymers to be used in beverage containers pending completion and evaluation of the studies required by the interim regulation. The Commissioner issued the stay on the basis of the objections filed earlier by NRDC. The Monsanto Co., a manufacturer of acrylonitrile bottles, sought judicial review of the stay before the United States Court of Appeals for the District of Columbia. *Monsanto Co. v. Gardner*, C.A. No. 77-1245 (D.C. Cir., 1977).

The Court found that the Commissioner could not stay the regulations on the basis of the objections filed by NRDC because of the passage of time. The Court held that the Commissioner, at least in substantial part, had acted on his own initiative pursuant to sections 409 (d) and (h) of the Act, 21 U.S.C. 348 (d) and (h). The Court ordered a prompt hearing on the Monsanto objections, and set a date, later extended to September 19, 1977, for issuance of a final decision. This proceeding has been held, and this decision is being issued, pursuant to the Court's order.

The Commissioner issued a notice of hearing in this matter and waived certain procedures in the FEDERAL REGISTER of April 1, 1977 (42 FR 17529). The participants in the hearing were the Bureau of Foods of the Food and Drug Administration (Bureau), Natural Resources Defense Council (NRDC) and, for the manufacturers of acrylonitrile bottles, the Monsanto Co. (Monsanto), Borg-Warner Corp. (Borg-Warner), and Vistron Corp. (Vistron). Following a formal evidentiary public hearing, the Administrative Law Judge issued an Initial Decision on August 4, 1977, finding acrylonitrile copolymers used to fabricate beverage containers to be food additives which had not been shown to be safe.[1] The manufacturers excepted to the Initial Decision and appealed it to the Commissioner. In their replies, the Bureau and NRDC requested the Commissioner to affirm the Initial Decision with clarifications or additional findings.

In reviewing the Initial Decision, the Commissioner has all the powers he would have in making the initial decision (21 CFR 12.130). The Initial Decision and the Final Decision must be based upon "a fair evaluation of the entire record," pursuant to section 409(f) of the Act, 21 U.S.C. 348(f), and must also meet the requirements of 21 CFR 12.120 and 12.130. After reviewing the record carefully, the Commissioner affirms the Initial Decision with the modifications and supplementation stated below.

II. Food Additive Status

A food additive is defined by section 201(s) of the Act, 21 U.S.C. 321(s) to be:

> * * * any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component * * * of any food (including any substance intended for use in * * * packing * * * or holding food), if such substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures * * * to be safe under the conditions of its intended use * * *.

Acrylonitrile bottles are composed of single molecules (monomer) of acrylonitrile (AN) and other substances formed into a polymeric chain (copolymer) that constitutes the bottle wall. At issue here is whether acrylonitrile copolymers used to fabricate beverage bottles are food additives within the meaning of section 201(s) of the Act, 21 U.S.C. 321(s), because of the migration of residual acrylonitrile monomer (RAN) from the bottle wall into the contents of the bottles at levels that are not generally recognized as safe.

The Bureau of Foods has the burden of proof in this proceeding on the food additive status of acrylonitrile copolymer beverage bottles. To meet this burden, the Bureau must show that (1) the intended use of acrylonitrile beverage bottles results, or may reasonably be expected to result, in acrylonitrile monomer becoming a component of food, and (2) acrylonitrile is not generally recognized as safe under its intended conditions of use.

A. Initial Decision

The Administrative Law Judge found that acrylonitrile had been shown to become a component of food and not to be generally recognized as safe. (ID at 35-36.) He based his conclusion that acrylonitrile becomes a food component on the direct observation of acrylonitrile migration in three studies using laboratory detection methods. The studies were conducted with beverage bottles frabricated from acrylonitrile copolymer and stored for 6-7 months at room temperature. (ID at 12-14.) These storage conditions were regarded by the Administrative Law Judge as "normal usage conditions" for beverage bottles and

[1] The following abbreviations have been used in citing material in the record: Initial Decision: ID; Transcript: Tr.; Brief of a Participant to the Administrative Law Judge: Brief; Appeal from and/or Exceptions to Initial Decision: App.; Reply of a Participant to Appeal from and/or Exceptions to Initial Decision: Reply. The exhibits submitted to the record, including written direct testimony, are referred to by the symbol for the participant and number assigned to them upon filing by the Hearing Clerk. The following symbols were used by the Hearing Clerk to refer to the exhibits by the participants: Monsanto: M; Borg-Warner: BW; Vistron: V; Bureau: G; and NRDC: NRDC. Thus, the first exhibit submitted by Monsanto would be referred to as M-1.

"well within the parameters of intended use." (ID at 11 and 35.) The Administrative Law Judge also concluded that the direct observation data is "strengthened by other positive results which employ different conditions and models which predict migration under various circumstances," (ID at 35) and that it "justifies the use of other avenues for quantification of these observed levels to be considered, such as models predicting the quantity of migration, and analyses of tests under more severe conditions." (ID at 11.) Because direct observation of acrylonitrile migration was made under storage conditions "within the parameters of the intended conditions of use," the Administrative Law Judge found it unnecessary to resolve whether the manufacturers were correct that "testing for migration should be conducted under conditions simulating the intended conditions of use" or whether the Bureau was correct that the "details of time and temperature conditions" are "relevant only to safety questions." (ID at 9.)

B. EXCEPTIONS

The manufacturing parties have excepted on several grounds to the conclusion that acrylonitrile is a food additive. They stress that the Administrative Law Judge's findings were based upon the direct observation of migration from Monsanto's "old" bottles but that no similar direct observation of migration was made from either the "new" Monsanto bottle or the bottles of the other manufacturers. In order to provide an overview of the issues raised, the Commissioner has listed below the principal contentions of the manufacturing parties. The Commissioner will discuss each contention in more detail and respond individually to them, as well as to related minor exceptions, in the following section of this Decision. A summary of the principal exceptions follows.

(1) Monsanto contends that "if no migration of AN can be detected from the new bottle by the most sensitive validated analytical techniques presently available . . . after suitably exaggerated extraction, then it is not a food additive." (Monsanto App. at 18–19.) Borg-Warner's position is similar. (Borg-Warner App. at 9, footnote.)

(2) Monsanto maintains that the observation of migration from the "old" bottles is "irrelevant" with respect to the "new" bottles, and that it would be a "specious line of reasoning" to conclude that "if [acrylonitrile] migrates from the 'old' bottle, it can be said to migrate from all bottles." (Monsanto App. at 16–17.) Borg-Warner maintains that the Administrative Law Judge's findings are irrelevant to its bottles in the absence of a finding of actual migration from the actual Borg-Warner product. (Borg-Warner App. at 10–11.)

(3) The manufacturers maintain that the Bureau failed to show that acrylonitrile is not generally recognized as safe (GRAS) under its intended conditions of use. This exception is related primarily to their contention, stated below, that acrylonitrile is "toxicologically insignificant," but Monsanto argues also that the Administrative Law Judge's finding that scientific opinion is balanced establishes that the Bureau did not meet its burden of proof of showing that acrylonitrile is not GRAS. (Monsanto App. at 23–27.)

(4) All the manufacturers argue that if any acrylonitrile migrates into their current bottles, the amount is so small in amount as to be "toxicologically insignificant" and not "worthy of government concern." They believe the Bureau has the burden to show that any amount that may migrate is toxicologically significant, and they object to the Initial Decision for failing to impose this burden on the Bureau. (Monsanto App. at 3–5, 23–25; Borg-Warner App. 2–6; Vistron App. at 3.)

(5) Lastly, the manufacturers believe that a finding that acrylonitrile is a food additive would be inconsistent with FDA's actions on other substances. (Monsanto App. at 9–10, 27; Vistron App. at 3–11.)

C. COMMISSIONER'S RESPONSE TO EXCEPTIONS

1. *Food Additive Status of Undetectable Substances.* Monsanto objects to the Initial Decision because it finds acrylonitrile copolymer beverage containers to be food additives even though there is no detectable migration of acrylonitrile from Monsanto's currently producible bottle. (Monsanto App. at 3.) Monsanto maintains that the Bureau must show that acrylonitrile is a food additive under "the actual conditions of use" and that this requires a showing of detectable migration from the new bottle (Monsanto App. at 2, 18–23). If no migration of acrylonitrile can be detected from the new bottle by the most sensitive method available, Monsanto would argue, it cannot be considered a food additive. The most sensitive method currently available is one developed by Monsanto, able to detect substances at concentrations of 10 parts per billion (ppb) or above. (Monsanto App. at 18.) According to Monsanto, the matter of "whether or how much AN might be present below the limits of actual detection is conjecture, not evidence, and cannot be of decisional significance." (Monsanto App. at 19.) Borg-Warner's position is similar. (Borg-Warner App. at 9, footnote.)

The Commissioner rejects the contention that a substance is immune from regulation as a food additive simply because no migration can be detected by the most sensitive analytical method available. This contention is inconsistent with the statutory language and the Congressional purpose in enacting the food additive provisions of the Act. Under the food additive definition in section 201(s) of the Act, 21 U.S.C. 321(s), a substance can be considered a food component if its "intended use" either "results" or "may reasonably be expected" to result in its becoming a component of food. Contrary to the assertions of the manufacturing parties, the statutory language does not require that the amount of the migrating substance be analytically detectable or quantifiable or exceed some minimum threshold level before the substance can be considered a component of food. The statute requires only that, at a minimum, there be evidence establishing a reasonable expectation that some migration will occur. Congress adopted this approach in order to effectuate the "overriding congressional intent" underlying the Food Additives Amendment of 1958, which was "to exclude from food, the addition of harmful or unsafe substances." (ID at 6.) The Administrative Law Judge was correct in stating that:

> It is entirely contrary to any "rule of reason" approach to statutory construction to conclude that Congress intended to disregard the overriding intent merely because a substance migrates to food only in minute quantities * * * regardless of the possible harmful effects of consuming such minute quantities. (ID at 8.)

The Commissioner agrees also with the Administrative Law Judge's statement of the reason for not requiring that migration be either detectable or quantifiable:

> The manufacturers assert that the statutory requirement of a showing of migration necessitates a quantitative determination. Such an argument, taken to its logical extreme, would mean that a chemical which was undetectable by current methods, but whose unseen migration caused toxic effects in man, would be exempted from the requirements of the statute. The "reasonably expected" wording of the statute is clearly not meant to preclude regulation in such a situation. The overriding intent of the legislature to protect the health of the American public cannot reasonably be disregarded simply because the methods of detection are unable to quantify the precise level of migration. (ID at 13–14.)

Thus, as the Administrative Law Judge recognized, it would defeat the purpose of the Food Additives Amendment to require actual detection or quantification of a migrating substance before it could be considered a component of food. It is enough to show a "reasonable expectation" of migration.

2. *Reasonable Expectation of Migration; Relevance of Extraction Data.* The manufacturing parties contend that the direct observation of acrylonitrile migration in the "old" Monsanto bottles is "irrelevant" to the question of whether acrylonitrile migrates or may reasonably be expected to migrate from the "new" Monsanto bottle or the bottles made by the other manufacturers. The Commissioner disagrees and discusses below the reasonableness of expecting migration from each of the manufacturers' bottles.

a. *Monsanto Bottle.* According to Monsanto, its "old" bottles were manufactured between May 1975 and February 1977 and contained an average of 15.2 parts per million (ppm) of residual acrylonitrile monomer and a maximum of 39 ppm (Monsanto App. at 2, 16). The Initial Decision cites tests that directly observed migration from the "old" Monsanto bottle (ID at 12–13). The residual monomer level in the walls of the actual test bottles was not determined, and can be assumed to be within the range cited by Monsanto for the old type bottle. In the "new" Monsanto bottle, the maxi-

mum level of acrylonitrile in the bottle is 5 ppm, and the average is 3.3 ppm. (Monsanto App. at 2, footnote.) The only difference between the "new" bottle and the "old" bottle is the difference in the level of residual acrylonitrile in the bottle walls, i.e. an *average* of approximately 3 ppm in the new bottle versus 15 ppm in the old. Nevertheless, Monsanto regards it as "a specious line of reasoning" to expect migration from the new bottles because it has been observed in the old and argues that "resort cannot be had to mathematical postulation of migration from the 'new' bottles." (Monsanto App. at 17, 21, citing Monsanto Brief at 28, 63–68.)

NRDC argues in its reply that Monsanto cannot make the difference between the bottles significant "merely by designating one set of bottles 'new' and the others 'old'." (NRDC Reply at 13.) (The estimates of residual acrylonitrile used by NRDC for the old bottle were lower than those stated by Monsanto and cited in this Decision, but the NRDC argument is unaffected by this difference.) The Bureau maintains that acrylonitrile migration may reasonably be expected from all acrylonitrile copolymer beverage containers on the basis of the principle of diffusion.

The Commissioner concludes that migration of acrylonitrile monomer may reasonably be expected to occur in all the acrylonitrile copolymer beverage containers at issue here, including the "new" Monsanto bottle. The Commissioner reaches this conclusion because, as discussed below, he believes it is valid to use extrapolation models, based on the principle of diffusion and confirmed through appropriate means, to show that migration may reasonably be expected under the intended use of a food packaging substance, even though migration of the substance is not analytically detectable.

Monsanto, the Bureau, and the other parties to this proceeding submitted evidence concerning the use of mathematical models to project migration of acrylonitrile monomer from acrylonitrile copolymer beverage bottles (M–82, M–84, G–77, G–78). All the models, including Monsanto's, are based on the principle of diffusion and use the diffusion equation to project levels of migration from bottles for which no actual extraction data are available. The projections are made from a base of actual extraction data. The models indicate that acrylonitrile migration from acrylonitrile copolymer bottles varies in a linear fashion as a function of three principal parameters—concentration of residual acrylonitrile monomer in the bottle wall, time of storage, and temperature of storage. All acrylonitrile copolymer beverage bottles contain at least some residual acrylonitrile monomer, and the models indicate that some migration of the acrylonitrile monomer occurs under all anticipated conditions of use of the copolymer bottles.

The validity of these diffusion models for projecting migration is supported by the testimony of the manufacturers' witnesses as well as the Bureau's. Monsanto's Dr. Dixler discusses the diffusion principle and refers to the diffusion equations used to project migration as "reasonable and reliable." (M–82 at ¶¶ 6–10 and 25 and Appendix A.) Monsanto's witness Dr. Salame confirmed the validity of the basic parameters affecting the migration models (M–84 at ¶¶ 4, 12–18, A–1, A–11). The testimony of Bureau witnesses Holtz (G–77 at ¶ 27) and Livingston (G–78 at ¶¶ 5–16, Exh. A–C) provides additional support for the validity of the migration models, including their validity for projecting migration from bottles with varying RAN concentrations on the basis of data from a particular bottle.

Monsanto points out in its Brief that its models were intended to estimate the maximum migration that could be expected and that the equations underlying them do not anticipate changes in migration behavior that might occur at low RAN levels and thus invariably predict migration (Monsanto Brief at 25–27). Monsanto suggests that the premises underlying the models make them inapplicable to the present determination. The Commissioner believes, however, that the models illustrate that the reasonable assumption, absent contrary information, is that the diffusion process observed to operate at levels at which migration is detectable continues to operate even at the levels at which it is not detectable.

It is possible to envision conditions under which the applicability of the diffusion principle to a particular packaging material could not be extended through the full range of a controlling physical parameter. For example, extremes in temperature may produce changes of state in the container or fluid that in turn might induce discontinuities in the solubility of residual acrylonitrile monomer in the bottle walls or the contained fluid. Also, a physical barrier might be formed at the interface between the plastic and the enclosed liquid. However, the parameters that are important in the analysis of migration of acrylonitrile monomer—time, temperature, and the concentration of RAN in the container—do not interact in such highly nonlinear ways with the diffusion process over the observed range of these parameters.

Because of the possiblity that there are nonlinearities in the diffusion curve under extreme conditions, the Commissioner believes it important to confirm the operation of the diffusion process under circumstances reasonably related to the intended use of the substance at issue. The direct observation of migration in the "old" Monsanto bottle under normal use conditions in three studies (G–79, G–80 and G–81), as found in the Initial Decision, provides an appropriate confirmation of the diffusion process and its applicability to other acyrlonitrile copolymer bottles. The Commissioner finds that the demonstration of migration at a temperature, concentration and storage time reasonably close to the values associated with normal use of acrylonitrile bottles justifies application of the diffusion principle to bottles having lower concentrations of residual acrylonitrile, shorter storage times and lower use temperatures. The confirmation of the diffusion process for acrylonitrile was made under normal use conditions and thus is clearly appropriate. The confirmation may also be made using food simulating solvents or using exaggerated conditions that are appropriate for evaluating whether migration may occur during intended use.

Once the applicability of the diffusion principle has been reasonably confirmed, projections based on the diffusion process are sufficient to satisfy the burden of proof with respect to migration, even though the amounts projected to migrate are below the level of analytical detectability. The reasonable expectation of migration, arrived at on the basis of the diffusion principle, is not unalterable, however. The expectation can be rebutted, but only if an adequate showing is made that migration is not reasonably to be expected. Such a showing could be made through a demonstration that an unusual or different physical process occurs at some point that prevents migration.

Acceptance of the diffusion process as sufficient to show a reasonable expectation of migration is a corollary of the conclusion that a substance can be a food additive even though the amount migrating is below the level of detectability. If the amount of migration is below the level of detectability, the fact of actual migration cannot be shown. Instead, migration of the substance must be projected from data obtained from observed migration occurring at higher RAN levels and storage times and higher temperatures. The projections drawn from these data rest upon scientific principles, notably that of diffusion. The diffusion principle provides a reasonable and scientifically valid means of making projections from the available data and it is reasonably applied to the acrylonitrile bottles at issue.

Based upon the foregoing analysis, the Commissioner rejects the Monsanto argument that the direct observation of acrylonitrile monomer migration from Monsanto's "old" bottle is irrelevant to the question of whether monomer migrates in the "new" bottle. As noted, the only difference between the "old" and the "new" bottle is the RAN concentration, and the diffusion principle, as confirmed by extraction data from the "old" bottles, makes it reasonable to expect that there will be some migration from the "new" bottle despite the difference in RAN concentration.

Monsanto has suggested some additional arguments, discussed below, for not applying the diffusion principle as a basis for projecting migration from its new bottles.

1. In its Brief, Monsanto refers to a theory which says that when the concentration of residual acrylonitrile monomer is very low "the migration will be far below what the model predicts or there may be no migration at all." (Monsanto

Brief at 28, citing M-84 at ¶ 18, Tr. 526.) The theory is principally that at low levels the residual acrylonitrile monomer will become bonded to the copolymer and not migrate. Even as articulated by Monsanto, the theory raises only a possibility that there will be no migration. The bonding theory is, furthermore, only speculative; the Commission believes that it provides an insufficient basis for concluding that diffusion ceases and no migration occurs at some low RAN level. (Tr. at 147-48; M-84 at ¶18; Bureau Brief at 73.)

ii. Monsanto excepts to the Initial Decision not only because it discussed the data from the "old" bottles—which Monsanto views as irrelevant—but also because it did not take sufficient account of the extraction data for its "new" bottle—which Monsanto does consider to be relevant. (Monsanto App. at 16-23.) The extraction testing done by Monsanto on its "new" bottles shows no detectable migration with a method sensitive to 10 ppb. The levels of migration projected by migration models for the "new" bottles under the conditions at which the "new" bottles were tested is below 10 ppb. (G-78 at ¶10, 11 Exhibit A.) Thus, Monsanto's contention that the extraction data for the "new" bottles is significant is simply a reformulation of its argument that a substance is not a food additive if the amount of migration cannot be analytically detected. The Commissioner has rejected this argument for the reasons discussed above.

Monsanto also points out that the Administrative Law Judge disregarded its extraction study on the "new" bottles partly because of a supposedly conflicting preliminary report on extraction studies being conducted by the Bureau. (Monsanto App. at 20-23). The Commissioner believes that the Monsanto extraction data should be disregarded on the basis of the analysis set forth above and that it is unnecessary to disregard it on the basis of the "preliminary report." The Bureau has apparently undertaken some investigation to determine independently the levels of migration from the "new" bottles, including tests under more exaggerated test conditions, but no reliable results are available yet and no written report exists. (Breder, Tr. at 161; Bureau Reply at 13-14)

iii. Monsanto's position that the new bottle is not a food additive appears to be based in part on the argument that migration must be shown under the "actual intended conditions of use" and that this requires at least a showing of migration through extraction studies done specifically on the new bottles. (Monsanto App. at 2-3, 15, 18-23.) The Commissioner disagrees. The diffusion models already discussed make it reasonable to expect migration from all acrylonitrile copolymer beverage containers. Furthermore, the food additive definition in section 201(s) of the Act, 21 U.S.C. 321(s), does not require that either actual migration or a reasonable expectation of migration be shown under the "actual intended conditions of use" of a substance. Under the definition, the showing may be made with respect to the "intended use" of a substance. This term indicates that the showing may be made with only a limited inquiry into the specific conditions of use of a substance and that migration need not be shown individually with respect to each particular variation in the intended use of a substance. The definition clearly permits a conclusion to be drawn based on a showing of migration in one specific application of a substance that migration may reasonably be expected from other similar intended uses of the substance. (See Bureau Brief at 18-20).

b. *Borg-Warner Bottles.* Borg-Warner views the Initial Decision as accepting the validity and reasonableness of migration models only when actual migration has been confirmed using the actual bottle and the actual product. Since the confirmation of migration cited by the Administrative Law Judge was obtained in tests with the Monsanto bottles, not the Borg-Warner bottles, Borg-Warner excepts to the conclusion that the Borg-Warner acrylonitrile bottles are food additives. (Borg-Warner App. at 11.)

The Commissioner doubts that the Initial Decision should be read as narrowly as Borg-Warner suggests. The Administrative Law Judge, having confirmed that migration occurs in acrylonitrile copolymer beverage containers under normal use conditions, apparently considered it reasonable to conclude that migration occurs in all acrylonitrile copolymer beverage containers. In any event, the Commissioner concludes that it is reasonable to expect migration to occur from the Borg-Warner bottles based upon the analysis set forth in connection with the Monsanto bottles. The Borg-Warner bottles contain residual acrylonitrile monomer which, as the Commissioner's analysis demonstrates, may reasonably be expected to migrate. Contrary to Borg-Warner's exception, confirmation of migration need not be made with the actual product, in its case apple juice. There is nothing in the evidence or in the diffusion equation which suggests that a change in the solvent material will cause a complete cessation of migration. In fact, the evidence is to the contrary. Borg-Warner's own extration tests detected migration of acrylonitrile monomer from its own bottles containing apple juice (BW-1 and BW-2). These tests were conducted under storage conditions reasonably close to those associated with normal use—specifically, storage for 14 months at room temperature.

Borg-Warner also excepted to the Initial Decision because it stated that the data on conditions of use were not clearly defined. Borg-Warner considers this to establish that the Bureau did not meet what Borg-Warner described as its burden to show that acrylonitrile migrates under the "intended conditions of use." (Borg-Warner App. at 7-8.)

Under the food additive definition in section 201(s) of the Act, 21 U.S.C. 321 (s), the food component status of a substance (i.e. whether it migrates or may reasonably be expected to migrate) is to be judged under the intended use of the substance, not the specific "conditions of intended use." Specific conditions of intended use are relevant to safety evaluations, not to food component status. Thus, use data need not be as clearly defined to show migration as to show safety or establish GRAS status. In any event, the Administrative Law Judge did reach conclusions about the conditions of use, finding 6 months storage at room temperature to be well within the normal conditions of use for all beverage containers, a finding that is adequately supported by the record. (ID at 9-11.) That finding applies to apple juice containers as well as soda containers.

In judging whether a reasonable expectation of migration exists, the Commissioner has looked primarily at whether migration may be expected from the bottles under the conditions of use cited by the Administrative Law Judge as being well within normal conditions of use, specifically storage for 6 months at room temperature. The Commissioner notes, however, that these conditions are not exceptional and do not make allowance for atypical use of beverage bottles. He believes the conditions suggested by the Bureau for extraction testing for safety purposes of 6 months at 90° F to be more suitable conditions for extraction testing since they allow for atypical use and the variety of beverages for which the bottles could be used.

c. *Vistron Bottles.* Vistron acknowledges in its exceptions that the "amount of acrylonitrile migrating from acrylonitrile copolymer bottles is importantly a function of the amount of residual acrylonitrile monomer in the bottle wall." (Vistron App. at 12.) Vistron states that the walls of its current bottles contain 1.7 ppm of residual acrylonirile and that the amount of acrylonitrile migration into the contents can be projected to be 1.5 ppb after 6 months at 90°, and 1.7 ppb after 29 months at room temperature.

Vistron apparently concedes that migration may reasonably be expected from its bottles and rests its exception primarily on the grounds that the amount that migrates is small and even lower than that from the other manufacturers' bottles. The point appears to be that the amount of migration from the Vistron bottles is even more "toxicologically insignificant" than that from the other bottles. (Vistron App. at 12-14.) Toxicological insignificance is discussed later. At this point, the Commissioner concludes that it is reasonable to expect migration of acrylonitrile from the Vistron bottles based upon both the Vistron projections and the general analysis given above in connection with the Monsanto bottles.

d. *Reliability of Methods Used To Detect Acrylonitrile.* The Administrative Law Judge found that the Breder (G-79), Gajan (G-80), and Sphon (G-81) analyses showed actual migration of acrylonitrile into Coca-Cola from Monsanto's 32 oz. acrylonitrile beverage bottles stored for 6-7 months at ambient temperatures. The Commissioner agrees and concludes that the three methods

taken together reliably detect actual migration of acrylonitrile monomer and thereby provide adequate confirmation of the applicability of the diffusion principle to acrylonitrile copolymer beverage containers.

i. Monsanto takes exception to the Administrative Law Judge's reliance on these three studies for showing actual migration. (Monsanto App. at 44–46.) Monsanto argues that (1) the analyses do not meet FDA's own minimum requirements for establishing the reliability and applicability of analytical methodology, (2) the amount of migration reported using the direct liquid injection chromatography method is below the lowest reliable quantitation level for that method, (3) at this level of quantitation peaks on the chromatograph are not sufficiently distinguishable from background noise to support a conclusion that they reflect the presence of acrylonitrile, (4) the head space analysis technique is experimental, and (5) the confirmatory analyses performed by Gajan and Sphon use a concentration technique the reliability of which has not been adequately established.

The Commissioner rejects these arguments. First, the reliability of the three methods is attested to in the testimony of Breder, Gajan, and Sphon. The qualifications of these analysts were not challenged on cross-examination, and the testimony in the record does not contradict their testimony that the methods are reliable. (See Bureau Brief at 61–62). Furthermore, even assuming that the three methods of analysis at issue do not comply with the FDA Guidelines referred to by Monsanto, the Commissioner, in determining whether there is a reasonable expectation that migration will occur, is not bound to rely upon analytical methods that meet FDA Guidelines. The question is whether, on the basis of a fair evaluation of the entire record, there is substantial evidence supporting a conclusion that acrylonitrile does become, or may reasonably be expected to become, a component of food when put to its intended use. Non-compliance with FDA Guidelines does not render an analytical method unreliable per se for this purpose. The testimony is convincing that the tests were reliable.

Second, the arguments that the amount detected using the chromatography method is below the lowest reliable quantitation level for that method and might not be distinguishable from background noise is not persuasive. The chromatographic analysis is being relied upon not to show the quantity of acrylonitrile migrating but only the fact of migration, and the polarography and mass spectrometry analyses of Gajan and Sphon confirm the chromatographic finding of actual migration.

Third, the experimental data of the head space head space is not significant since the results obtained by the established FDA chromatography technique are similar to those found using the head space analysis and, again, were confirmed by the polarography and mass spectrometry analysis.

Fourth, there is nothing in the record to contradict the testimony of the Bureau's witnesses that the concentration technique used by Gajan and Sphon is a reliable method.

Finally, the Monsanto comparison of its analytical method with the three relied upon by the Administrative Law Judge is not persuasive. (Monsanto App. at 46–47.) It is important to remember that the Bureau's burden is only to show that migration may reasonably be expected. The Administrative Law Judge relied upon the three methods discussed above only for purposes of showing migration—not for quantifying it. (ID at 12–14.) The Bureau places strict requirements on analytical methods used by manufacturers submitting data intended to show the safety of a food additive because, in that circumstance, the manufacturer must accurately show the quantity migrating in order to establish a safe level.

ii. Vistron excepts to the Initial Decision for failing to recognize that "background interference" in the laboratory "will substantially increase" the levels of apparent migration detected in the Breder, Sphon and Gajan tests. (Vistron App. at 16–19.)

As stated above, the Bureau's witnesses were confident of the procedures they used, and this would encompass the possibility of background interference (G–79, G–80 and G–81). To the extent the exception goes simply to the level of migration, the Commissioner regards the levels of migration as important for safety issues, but not as pertinent to the determination of whether some migration may be expected. (See Bureau Reply at 41–42.)

3. *GRAS Status Of Acrylonitrile Copolymers In Beverage Bottles.* The second element of the food additive definition, upon which the Bureau bears the burden of proof, is that the:

> * * * substance is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958, through either scientific procedures or experience based on common use in food) to be safe under the conditions of its intended use; * * * 21 U.S.C. 321(s).

The Administrative Law Judge concluded that the use of acrylonitrile copolymers in beverage containers is not generally recognized as safe (GRAS) because "the scientific community at large has not considered this question," the witnesses in this proceeding "represent almost evenly split opinion on the question," and "it has not been convincingly shown that the scientific community would inevitably form a consensus in either direction should they consider the matter." (ID at 35.)

The manufacturers take exception to the Administrative Law Judge's conclusion on the GRAS issue. As stated above, their arguments are based primarily on their theory of toxicologically insignificance and will be discussed in the next section of the decision. However, they also argue that the Bureau failed to meet its burden of proof on the GRAS issue as evidenced by the split of opinion cited by the Administrative Law Judge (ID at 36) and the absence of affirmative evidence of lack of safety to offset the positive opinions of safety offered by the manufacturer's witnesses. (Monsanto App. at 25–26.)

These arguments misapprehend the kind of showing the Bureau must make to show that a substance is not generally recognized as safe under its intended conditions of use and are rejected by the Commissioner. Since acrylonitrile copolymers were not used to fabricate beverage containers before January 1, 1958, the GRAS status of acrylonitrile in beverage bottles must be based on "scientific procedures." Thus, GRAS status will be achieved only if (1) there is scientific evidence of the actual safety of acrylonitrile in beverage bottles under their intended conditions of use of the same quantity and quality required for proof of safety under 21 U.S.C. 348, and (2) this scientific evidence is commonly known throughout the scientific community knowledgeable about the safety of food ingredients and is reflected in scientifically reliable published studies. See 21 CFR 170.30 (formerly 21 CFR 121.3).

The Commissioner concludes that there is no scientific evidence of the quantity and quality required for proof of safety and, thus, even if the existing evidence were commonly known throughout the knowledgeable scientific community—which it is not—it could not form the basis for a consensus that acrylonitrile has been shown to be safe. The existing evidence is incomplete, and safety risks are indicated by the data that are available. As discussed later under the heading "Safety of Acrylonitrile," the record shows that acrylonitrile is a frank teratogen in the rat, a tumorigen and probable carcinogen in the rat, a possible carcinogen in man, and a mutagen in several test systems. The Commissioner agrees with the Bureau's contention that under these circumstances it is inconceivable that the scientific community could recognize that any level of acrylonitrile has been shown through scientific procedures to be safe. (Bureau Brief at 113–14.) When a food component has been found wanting under the safety criteria applied in the context of 21 U.S.C. 348, it cannot, as a matter of law, be deemed generally recognized as safe within the meaning of 21 U.S.C. 321(s), and thereby escape regulation as a food additive.

Though the foregoing conclusion makes it unnecessary to consider the extent of knowledge in the relevant scientific community about the safety of acrylonitrile, the record supports the conclusion that it does not have general knowledge of the scientific evidence concerning the safety of acrylonitrile. (Tr. at 590.) Under section 201(s) of the Act, this alone is sufficient to justify the conclusion that acrylonitrile is not GRAS, regardless of the nature of that evidence.

Finally, in not a single usage by one of the manufacturing parties' witnesses of the phrase "generally recognized as safe," or words to that effect, is it stated that acrylonitrile *is* generally recognized as safe. Instead, the witnesses state that at the levels present in beverages it "should be," "must be," or "ought to be" generally recognized as safe. (See, for example, M–82 at ¶ 5; M–90 at ¶ 8; M–96 at ¶ 6.) Furthermore, on cross-examination, each of those witnesses confirmed what their testimony implied: that the scientific community knowledgeable about the safety of food ingredients does not now generally recognize acrylonitrile to be safe for use in beverage bottles. (Tr. at 466, 589–590, 690–691.)

On the basis of the foregoing analysis, the Commissioner concludes that the use of acrylonitrile copolymers to fabricate beverage containers has been shown by the Bureau not to be generally recognized as safe. The manufacturers' exceptions to the Administrative Law Judge's conclusion on the GRAS issue are based largely upon their theory of toxicological insignificance and will be discussed below in connection with the Commissioner's discussion of that theory.

4. *Toxicological Insignificance.* The manufacturing parties except to the Initial Decision because the Administrative Law Judge did not adopt their concept of "toxicological insignificance" as a basis for concluding that acrylonitrile in beverage containers is not a food additive (Monsanto App. at 23–27; Borg-Warner App. at 4–6; Vistron App. at 3–11). The concept of "toxicological insignificance" is used in several ways by the manufacturing parties. Their central argument appears to be that at levels of migration below the level of detectability a food packaging substance should either be considered not present in the food or, if considered to be present, be deemed "toxicologically insignificant" and therefore not subject to regulation as a food additive. (Monsanto Brief at 23–27; Borg-Warner Brief at 25–30.)

The term "toxicologically insignificant" does not appear in the statutory definition of food additive, 21 U.S.C. 321 (s), and the Commissioner concludes that the term has no legal significance as an element of the food additive definition. Food additive status should be judged by the statutory criteria already noted relating to whether (1) use of the substance "results or may reasonably be expected to result" in its becoming a component of food; and (2) at the level at which the substance does become a component of food it is generally recognized as safe. It is against these statutory criteria that the manufacturers' various arguments about toxicological insignificance should be evaluated.

1. To the extent that the term "toxicologically insignificant" is used to refer to some level of migration so low that it must, as a legal matter, be treated as zero migration and, thus, not a component of food (M–82 at ¶ 4), its use is inconsistent with the definition of food additive. The definition does not require that any minimum amount of migration be shown, and the definition thus permits any migration of acrylonitrile to satisfy the component element of the food additive definition.

2. To the extent that the term "toxicologically insignificant" is intended by the manufacturers to be used interchangeably with the statutory concept of "generally recognized as safe" (M–82 at ¶ 5), as the Administrative Law Judge apparently intended when he incorporated it in his statement of the issues at the urging of Monsanto, its use is merely confusing, and the Commissioner chooses not to use it as a substitute for the statutory language.

3. If the argument is that a certain quantity of a migrating substance, presumably any amount that happens to fall below the current level of detectability, can be considered GRAS per se, or safe per se, the Commissioner disagrees. (Monsanto App. at 3–5, 9.) The statute leaves no room for a contention that the presence of a migrating substance at a sufficiently low level by itself warrants a conclusion that the substance is GRAS, or safe, or unworthy of government concern. The Commissioner believes that the safety of a substance cannot be decided on the basis of quantity alone. Safety depends on many factors, including the toxicity of the substance, and it cannot be determined simply on the basis of amount (G–88 at ¶17; G–78.) Safety is appropriately determined through scientific procedures. It is for this reason that the argument that total lifetime exposure to acrylonitrile from beverages bottles might be only ⅛ of a teaspoon is meaningless. (Monsanto App. at 3–5.) No substance can be assumed to be "toxicologically insignificant" and safe simply because it is present at levels below the level of detectability. It follows that general recognition of safety cannot be based on quantity alone. Even if a certain quantity of a migrating substance (e.g., any quantity below the level of detectability) were determined to be safe through scientific procedures, GRAS status would not be achieved unless such evidence were known generally to experts qualified by training and experience.

4. At least implicit in some of the arguments made by the manufacturing parties is the novel position that the term "toxicologically insignificant" describes a third element of the Bureau's burden of proof on the food additive status issue, i.e., that the Bureau must show the anticipated levels of migration to be actually unsafe or harmful. (Monsanto App. at 23–25; Borg-Warner App. at 2–6.) The manufacturers in effect argue that (1) the Bureau, in proving the food additive status of acrylonitrile, must show not only that it may migrate and that it is not GRAS but also that acrylonitrile is "toxicologically significant" (i.e., actually unsafe or harmful) at the anticipated levels of migration, and (2) a showing of lack of safety is part of the Bureau's burden of proof on the GRAS issue. These views about the burden of proof account for the manufacturers' argument, referred to above, that the Bureau did not submit enough evidence to show that acrylonitrile is not GRAS. The manufacturers believe the Bureau must prove that acrylonitrile is toxicologically significant or actually unsafe in order to show that it is not GRAS. Both the Bureau and the Administrative Law Judge disagreed with this positon and the Commissioner rejects it.

As stated above, the term "toxicologically insignificant" has no legal significance as an element of the food additive definition. In establishing the food additive status of acrylonitrile, the Bureau is not required in any way to show that it is actually unsafe or harmful, either under the "toxicologically insignificant" concept or as part of its burden of proof on the GRAS issue. The burden is on the manufacturing parties to demonstrate the safety of a food additive by competent evidence, not on the Bureau to show lack of safety. Thus, the fact that no Bureau witness concluded that acrylonitrile is actually unsafe under intended conditions of use is irrelevant to the GRAS inquiry, as is the testimony of the manufacturers' witnesses that acrylonitrile should be considered safe under intended conditions of use. GRAS status depends on the existence of general recognition of safety, arrived at on the basis of adequate scientific procedures. Therefore, countrary to the Monsanto assertions (Monsanto App. at 25–26), it was proper for the Administrative Law Judge to cite the even split of opinion on the issue of acrylonitrile's safety among the expert witnesses at the hearing for his conclusion that acrylonitrile is not GRAS. (ID at 36). If the Bureau's burden were to show that acrylonitrile is actually unsafe, the even split of opinion might warrant a conclusion that the Bureau had not met its burden, but since the burden is merely to show lack of general recognition of safety the even split of opinion is highly probative of the conclusion that acrylonitrile is not GRAS. As already discussed, the record clearly establishes that acrylonitrile is not generally recognized as safe. (Bureau reply at 15–17.)

5. The manufacturing parties argue at several points that the Bureau has in the past used a "virtually nil" or "toxicologically insignificant" concept in deciding the food additive status of some packaging materials. Though such language had no doubt been used informally in the past by Agency employees in describing food additive status, it has never been Agency policy to use such language in any of the ways suggested by the manufacturing parties in this proceeding. The phrase does not replace the statutory definition of food additive. When used at all, it has been to describe the situation in which any occurring migration will be below the level at which the substance can be considered to be safe (G–87 at ¶¶ 6, 7) or has been found to be GRAS under the applicable legal standards.

6. Borg-Warner excepts to the Administrative Law Judge's references to acrylonitrile as a "known toxic sub-

stance" in discussing its food additive status. (ID at 8.) Borg-Warner contends that the Bureau has failed to prove that small amounts of acrylonitrile are known to be toxic. Moreover, according to the exception, the Administrative Law Judge ignored the concept of toxicological insignificance in evaluating whether acrylonitrile is a known toxic substance. (Borg-Warner App. at 4–6.)

The reference in the Initial Decision to known toxic substances was apparently a shorthand statement that acrylonitrile is not generally recognized as safe at the levels at which it migrates. (See Bureau Reply at 34–35.) The phrase may also have been intended to reflect the discussion in the Initial Dcision, quoted above, about the policy concerns underlying the Act (ID 13–14) as well as to indicate that safety questions exist about acrylonitrile. The phrase does not, and should not, indicate that the Bureau has the burden to prove toxicity before a substance can be considered to be a food additive. The Administrative Law Judge recognized that the migration of any amount of a substance is sufficient to make it a food additive, unless the substance is generally recognized as safe in the amount in which it migrates. As stated above, the Commissioner has concluded that the Bureau is not required to show acrylonitrile to be toxic at the levels at which it may be expected to migrate, only that it is not generally recognized to be safe at those levels. Once again, there was no need for the Administrative Law Judge to consider the "toxicological insignificance" in evaluating acrylonitrile since that term is extra-statutory and has no separate meaning in this proceeding independent of the food additive definition.

7. The manufacturers also have argued that the "toxicological insignificance" concept reflects the Sensitivity of the Method (SOM) regulation (21 CFR 500.80–500.98) which the Commissioner has promulgated for determining residue levels for animal drugs. (Monsanto Brief at Appendix H.) The Commissioner discusses later why it is inappropriate to apply that regulation in this proceeding, or to decide in this proceeding whether the regulation could ever be applied to food additives. The Commissioner does note at this point, though, that the manufacturers' concept of "toxicological insignificance" would impose a burden of proof, and a burden of developing safety data, contrary to that which exists under the Sensitivity of the Method regulation. Under that regulation, the proponent of an animal drug must come forward with complete and adequate tests in two test animal species as one step in applying the procedures in the regulation. Similarly, under the current statutory scheme, the proponent of a food additive must come forward with data adequate to establish safety and has the burden of proof on safety. If the manufacturers' view of toxicological insignificance were adopted for food additives, FDA, in establishing food additive status, would have the burden to show that amounts of a substance migrating below the level of detectability are unsafe. Only if that burden were met and the substances were not generally recognized as safe would the manufacturers have the burden to establish its safety. This reversal of the burden of proof would be inconsistent with the policy implicit in both the SOM regulation and the current statutory scheme governing food additives.

5. *Comparison Of Acrylonitrile With Other Containers And Substances.* Monsanto and Vistron take exception to the Administrative Law Judge's failure to (1) consider the safety of acrylonitrile copolymer beverage containers in comparison with other food containers and other substances which may become a component of food, and (2) treat acrylonitrile copolymer beverage containers in a manner they consider consistent with the treatment afforded other such containers and substances. (Monsanto App. at 27; Vistron App. at 2–11.) Monsanto also argues that if the diffusion principle is sufficient to show that acrylonitrile may migrate, it will be sufficient to show that other substances and packaging materials migrate, and, as a result, subject these other materials to the food additive provisions of the Act. Monsanto maintains that the standards applied to acrylonitrile bottles should be applied consistently and be the same as those that have been applied to other substances. (Monsanto App. at 9–10.)

The Commissioner believes consistency is an important regulatory objective, and he endeavors to give equivalent treatment to similar cases. The Agency, though, cannot be prevented from taking warranted regulatory action on the grounds that it has not yet acted on other cases that are argued to be the same. As the Bureau states (Bureau Reply at 17):

> The Act does not require the Bureau to develop a comprehensive scheme of relative toxicity for all beverage containers before it can proceed against one. Such an approach would immobilize the Bureau's efforts to ensure the safety of food additives. The Government is not required to "choose between attacking every aspect of a problem or not attacking the problem at all." *Dandridge v. Williams*, 397 U.S.C. 471, 486–87 (1968).

It is true that the Administrative Law Judge's Initial Decision did not consider other food containers or other substances, indicating implicitly a conclusion that the status of such other containers and substances has no direct bearing on the issues in this proceeding. The Commissioner agrees with this conclusion. The issue in this proceeding is not acrylonitrile beverage bottles rank with other food containers in terms of safety, but whether acrylonitrile beverage containers are lawfully approved under the food additive provisions of the Act.

Likewise, the regulatory status of the specific substances mentioned in the Monsanto and Vistron Appeals, selenium and aflatoxin, are irrelevant to an evaluation of the safety of acrylonitrile beverage containers. The regulation of aflatoxins as a poisonous and deleterious substance under section 406 of the Act is not relevant to the regulation of acrylonitrile under the food additive provisions of the Act. The selenium animal feed regulation, 21 CFR 573.920, is consistent with the food additive provisions of the Act. Selenium is distinguishable from acrylonitrile on several grounds, and the Commissioner has stated that the available information does not support its classification as a carcinogen. (See FEDERAL REGISTER of April 27, 1973, 38 FR 10458; Blumenthal Tr. at 816–17.)

Other food packaging substances may also be food additives, because they may migrate at low levels and are not GRAS. (See Bureau Reply at 5, n. 8.) Food additive status does not necessarily mean that the substance cannot be used in food. If a substance can be shown to be safe, its use is permissible pursuant to a food additive regulation. In the next section of this Decision, the Commissioner examines whether the safety of acrylonitrile has been established.

III. SAFETY OF ACRYLONITRILE

Once acrylonitrile has been shown to be a food additive, its use can be permitted pursuant to a food additive regulation under section 409(c) of the Act, 21 U.S.C. 348(c), only if the manufacturers can show through scientific procedures that its use is safe under the intended conditions of use.

The Administrative Law Judge described the process for making these safety determinations as follows:

> The normal procedure in determining the safety of a product is to find, through animal experimentation, the possible safety hazards that could result from its usage, determine levels at which these effects do not occur, and through the utilization of an appropriate safety factor, extrapolate that data to the human case. (ID at 25.)

Stated below are the Administrative Law Judge's general findings about the kinds of safety risks indicated for acrylonitrile and his general basis for believing that no safe level for humans can be determined with respect to any of these risks through the use of any safety factors or risk assessment methods. The Commissioner also has stated his general conclusions. Thereafter in this section, the Commissioner discusses each specific type of risk indicated for acrylonitrile, examining the Administrative Law Judge's basis for believing the risk exists, the contentions of the participants that relate particularly to that risk or the existence of a no-effect level for it, and the Commissioner's specific responses. In the last part of this section, the Commissioner examines the participants' other contentions relating to risk assessment and consumption patterns.

A. GENERAL FINDINGS AND CONCLUSIONS

The Administrative Law Judge made the following determinations:

> An overview of the analysis of these studies shows a pattern of adverse effects, (i.e., simple toxicity, mutagenicity, teratogenicity and tumorigenicity) which appear in increasing numbers and at lower dosage levels as the studies progress. The most recently reported of these effects are

of a severe and irreversible nature. (ID at 28.)

* * * * *

* * * The record consists of two types of data: short-term experiments designed to demonstrate acute toxic effects and long-term studies which implicate AN as a mutagen, a teratogen, a tumorigen and possibly as a carcinogen. (ID at 36.)

* * * * *

An analysis of the risk-assessment methods described reveals that their accuracy depends on the validity of the no-effect level upon which they are based. None make provisions for overcoming incomplete studies, studies in one species, or assessing the cumulative impact of multiple effects.

It appears that unless the final outcome of these ongoing chronic animal studies can be accurately predicted, the use of a safety factor of the types described here does not overcome the basic defects in the manufacturers' conclusions as to the safety of AN. The 20-year latency period found in the development of cancers attributed to exposure to AN in the du Pont worker study suggests that the animal case of late development of tumors finds a counterpart in the human situation. Since there is a parallel in tumor types developed in animals in the inhalation and ingestion situations, the use of positive human inhalation data to predict potential human ingestion effects is justified. Using a simple multiplication of safety estimates from incomplete studies to assess a safe human consumption level does not cure the basic defects in the animal studies and the storage and consumption data.

In extrapolating from a population of rats which generally runs under 50 in number to a population of millions of humans, that which would appear as borderline effects at low dosage levels could easily compute to several thousand affected humans. The results of the animal and human studies raise health questions which are more insiduous than simple acute toxicity. A finding of toxicological insignificance would be premature pending a more complete evaluation of the effects in question. When a history of the research shows effects appearing only after longer exposure times, incomplete studies cannot form a legitimate basis for determining a no-effect dose for a human population which could conceivably encounter the chemical on a chronic basis. (ID at 32-33.)

* * * * *

It appears from an evaluation of the testimony and evidence presented in this proceeding that a finding of safety for AN at this time would be premature and unwarranted, particularly, in view of the severe irreversible effects which have been potentially attributed to AN. This is so, despite the fact that such a determination might well have been possible were the adverse effects of AN limited to acute toxicity. (ID at 38; see also ID at 23.)

After reviewing the record, including the findings of the Administrative Law Judge, the Commissioner concludes that acrylonitrile is a frank teratogen in the rat, a tumorigen and probale carcinogen in the rat, a possible carcinogen in man and a mutagen in several test systems. A safe level for human consumption cannot be determined because of the inadequacy of the present data and the probable carcinogenicity of acrylonitrile.

B. SPECIFIC RISK AREAS

1. *Teratogenicity*—a. *Initial Decision.*—The Initial Decision found the DOW-MCA study [2] to be the only fully-reported study available investigating the teratogenic potential of acrylonitrile (i.e. the potential to cause birth defects) and concluded that this study showed acrylonitrile to be a teratogen in the rat (ID at 21, 23). The Administrative Law Judge stated that the one-generation DOW-MCA study "shows such effects as missing vertebrae, short tails, and right-sided aortic arches." (ID at 21.)

The Administrative Law Judge found that the effects of teratogenicity are severe and irreversible (ID at 23). In reaching his conclusions, the Administrative Law Judge stated that determinations of safe levels for tumorigenicity and teratogenicity involved:

not a matter of passing malaise, with disappearing symptoms, but rather a heritage of cancer and birth defects. In view of such serious possibilities, it would be unwise to base such a weighty determination on half-completed studies. (ID at 23.)

As stated above, the Commissioner agrees with the Administrative Law Judge's conclusion that it would be premature to derive a safe level on the basis of the presently incomplete data for any of the chronic effects posed by acrylonitrile, including teratogenicity.

b. *Exceptions and Commissioner's Response*—i.—In their exceptions, Monsanto and Borg-Warner maintain that a safe level for humans can be derived from the no-effect level shown for rats in the DOW-MCA study (Monsanto App. at 56, 58-59, 64; Borg-Warner App. at 18-19). They criticize the Initial Decision for not pointing out that the Bureau agrees that a no-effect level for rats exists in the DOW-MCA study at the lowest feeding level. They contend that on the basis of this no-effect level and other data a safe level for human consumption can be derived using either a Mantel-Bryan risk assessment analysis or the 1000-fold safety factor that the Bureau uses in practice on frank terata. Monsanto also criticizes the above-quoted statement of the Administrative Law Judge for being an "unscientific appeal to emotion" and for being "misleading" in its reference to "half-completed" studies since the DOW-MCA study, among others, is complete. (Monsanto App. at 58-59.)

The Commissioner disagrees with these contentions insofar as they maintain that a safe level for humans should be established based on the DOW-MCA Study or the other information presently available. The present data are inadequate to derive a safe level for humans with confidence. The DOW-MCA study is indeed complete, and it has a no-effect level for rats at the lowest level, as both the manufacturers and the Bureau agree. However, it would be inappropriate to project a no-effect safe level for humans based on this one rat study, no matter what safety factors or risk assessment methods are used. At least another complete study of the teratologic effects in another species is needed, and a reproduction study would be desirable. (Tr. at 195-98.)

The teratogenic effects of a compound may vary from species to species. (Tr. at 208). Another animal species may be more sensitive to the teratogenic potential of acrylonitrile than the particular test species used. The relative human sensitivity to the teratogenic potential of acrylonitrile is not known and, of course, humans cannot be subjected to feeding studies involving potential teratogens. Thus, the risk to humans must be projected from animal tests. (Tr. at 184-185, 214). In view of the seriousness of the risks posed, acrylonitrile must be tested in at least one more animal species before any conclusions can be confidently projected about its teratogenic potential in humans. (Tr. at 195-199, 201, 208-209, 211; G-86 at ¶ 11b, 14a.) If another species were tested and found more susceptible to the teratogenic effects of acrylonitrile, the no-effect level for teratogenesis could be lowered. Without more testing, it is improper to assume that where the no-effect level is now is where it should stay for purposes of estimating a safe level for human consumption. (Bureau Brief at 82-85, 111-112, 138-139.)

The Commissioner believes that no safety factor should be applied until adequate studies are done to establish the level of risk posed. The 1000 fold safety factor referred to in the exception is a higher than normal safety factor which the Bureau ordinarily uses when the data show frank teratogenic effects on animals. (G-87 at ¶¶ 14, 15.) If the data show positive teratogenic effects, the Bureau requests data from a teratology study in at least another species before determining a safe level (G-87 at ¶ 15). The Bureau uses a larger than normal safety factor in computing the safe level due to the greater level of concern with reproductive effects. The concern that warrants a higher than ordinary safety factor also warrants not applying any safety factor, no matter how high, until the data base for acrylonitrile is complete enough to evaluate the risk posed with an adequate degree of confidence. (Tr. at 187, 195-99.) Another complete study in another species is needed for that purpose.

The Mantel-Bryan analysis referred to in the exception was applied to the teratology data by Monsanto's witness Dixler, based upon the "analogous" use of that analysis in FDA's Sensitivity of the Method regulation. (M-82 at ¶¶ 31-43; Monsanto Brief at 85-86.) That regulation has a different purpose than that proposed for it by Monsanto, and the Commissioner discusses later his reasons for believing the SOM regulation and risk assessment analysis generally to be inapplicable in this proceeding. It is particularly pertinent to note at this point that the SOM regulation provides for complete and adequate studies in two test animal species (42 FR at 10417, Sec. IV, col. 3; 10431, 21 CFR 500.87). Thus, the regulation does not support the determination of safe levels for teratologic effects through a Mantel-

[2] The DOW-MCA study (G-58) is also referred to in the record as Dow study, and MCA-sponsored teratogenicity study.

Bryan analysis on the basis of incomplete data.

The Commissioner believes that the Administrative Law Judge's reference to "half-completed" teratology studies was to the requirement for an additional study before the data base would be complete enough to determine a safe level for human consumption of acrylonitrile. In this sense, the statement is correct. The Commissioner also agrees with the Administrative Law Judge's remarks concerning the seriousness of the risk of birth defects and cancer and his conclusion that it warrants special care and a conservative approach in the making of safety determinations. His remarks in this regard were not an unscientific appeal to emotion. Rather, they reflect the policy concerns that underlie the Act, and were appropriately made in evaluating the safety issues in this proceeding.

ii. The manufacturers make further exception to the finding of teratogenicity based on the DOW–MCA study because the teratogenic effects seen at the higher dose levels have been "seriously questioned" both by the experimenters and by Bureau witnesses. (Monsanto App. at 60–61; Borg-Warner App. at 18–19.)

The questions relate to whether the maternal toxicity observed at the higher levels could have resulted from overdosing and whether that maternal toxicity "accentuated" the fetal deformities. In addition, some question was raised about the presence of rat mumps and the effect it might have had. The reviewers of the study believe that the malformations were not the effect of maternal toxicity alone and that any effects of rat mumps were probably negligible. (G–58 at 14–15.) The Bureau recognizes that questions can be raised about this study. (Bureau Reply at 31.) These questions, though, do not dispel the concerns about the teratogenic potential of acrylonitrile. As Dr. Collins, the Bureau witness whose testimony is cited by the manufacturers, stated after being cross-examined about these questions:

> I would not allow [acrylonitrile] to be used until I had the complete data * * * you have some very serious abnormalities here that are very rare, and they seem to be related to the compound, and I would not want the stuff to be utilized until we had the complete toxicological data. (Tr. at 197.)

It would be rash, in view of the rare and serious abnormalities seen in this study, to assume that the study is invalid, and that the teratogenic effects observed are all due to rat mumps or overdosing, without having complete data investigating the teratogenic potential of the substance. It might also be noted that Monsanto has described this study as "well designed." (Monsanto App. at 59.)

This study, moreover, is the only adequate investigation into the teratologic potential of acrylonitrile. If the manufacturers are correct in assuming that the questions they cite invalidate the study, it will not establish that acrylonitrile has been shown by the manufacturers to be safe through scientific procedures. There are no other chronic studies considered adequate by contemporary standards which establish that acrylonitrile is safe. If this study is invalid, it means that at least another fully adequate and complete study must be done before acrylonitrile can be considered to be safe.

iii. Monsanto also contends that a safe level for humans for the teratogenic and other adverse effects of acrylonitrile can be derived based on the no-effect levels seen in early chronic studies, specifically the Tullar study[3] and the Svirbely and Floyd study.[4] (Monsanto App. at 59.) The Tullar study is inadequate by contemporary standards, as discussed in more detail, below. The Svirbely and Floyd Study was never fully reported; only a preliminary report was introduced into evidence. (ID at 23.) The Bureau has "never relied" on this study because "the data were never fully reported and a reliable appraisal of the results is therefore not possible" (Bureau Brief at 94). The Commissioner concludes that the absence of a full report from the Svirbely and Floyd study makes it an inadequate basis for use in determining a safe level for the teratogenic risks or other adverse chronic effects of acrylonitrile. The Administrative Law Judge seems to have regarded the preliminary results of the Svirbely and Floyd study to suggest a teratogenic potential for acrylonitrile. (ID at 21, 23.) This may be, but the Commissioner believes that the teratogenic potential of acrylonitrile is sufficiently demonstrated by the DOW–MCA study, without refernce to Svirbely and Floyd.

Finally the Commissioner notes that even if a no-effect level for human teratogenic were to be derived for acrylonitrile based on the present data, the compound could not be considered to have been shown to be safe. As discussed below in this Decision, no adequate studies exist to establish the safety of acrylonitrile with respect to the other chronic risks it poses, and there are indications that acrylonitrile is a probable carcinogen.

2. *Tumorigenicity*—a. *Initial Decision.*—The tumorigenicity of acrylonitrile is shown by the interim reports from the on-going Dow chronic feeding study[5] in the rat. The report (G–57) of the interim sacrifice "showed" a higher incidence of "subcutaneous masses" in the mammary region, and "masses of the ear canal," "polyp formation and hyperplasia of the stomach" and "proliferate lesions of the central nervous system" (CNS) at the higher or highest feeding levels. (ID at 19.) A later interim report (G–71), made in April, 1977, indicated that 2 rats at the lowest feeding level had developed the CNS tumors previously seen at the higher levels (ID at 20). A subsequent interim report (G–73) diagnosed the ear tumors, CNS tumors and mammary masses as malignant (ID at 20 and see ID at 22, Yodaiken, NRDC–94). The Administrative Law Judge stated that the "interim reports from this study become increasingly alarming with the passage of time." (ID at 23–24.) He also noted that "these irreversible effects appear regularly only after a year's exposure time and increase beyond that point (as evidenced by the increase in tumors and the percent classified as cancers in each interim report)." (ID at 28.) He concluded that the determination of a safe level for humans would be "inappropriate on the basis of the available evidence which indicates potentially severe adverse effects from the ingestion of AN." (ID at 39.)

b. *Exceptions And Commissioner's Response.* The manufacturing parties believe that acrylonitrile can be considered to have a safe level for humans with respect to tumorigenicity.

i. They argue that a no-effect level exists at the lowest level in the Dow chronic feeding study (Monsanto App. 56–57, 61–64; Borg-Warner App. at 16–17). They dispute the number of tumors observed at the lowest level, pointing out that NRDC witness Yodaiken (NRDC–94 at ¶ 7) believed only one rat, not two, had developed CNS tumors at the lowest feeding level. They also cite the testimony of a Bureau witness that the tumors at the lowest level may have occurred spontaneously and might be "washed out" when the study is complete. (Cueto, Tr. at 290). They urge that a 1000-fold safety factor or a Mantel-Bryan analysis be applied to the lowest feeding level in this study to derive a safe human level, and they complain that the Initial Decision did not state their projected safe levels and their positions correctly.

The Commissioner rejects the contentions that a safe level should be derived for tumorigenicity based on the incomplete Dow chronic feeding study. The data available from the study at this point indicate that acrylonitrile is a tumorigen in the rat, and probably a carcinogen as well, since some of the tumors have been diagnosed as malignant. It is conceivable that the tumor effects at the lowest level could be spontaneous and that at the end of the study there will be an equivalent number of tumors at this level in the control and test groups. It would not be appropriate, however, to speculate now on what the result of the study will be and what the exact number of tumors will be at this level. Since the study is not yet complete, it cannot be assumed, contrary to the suggestion of the manufacturers, that there will be a no-effect level. Even if no tumors had yet been seen at this level, it would be inappropriate to make this assumption. If a safe level for tumorigenicity is to be established for humans, it must be done on the basis of complete data, not on the basis of a single half-complete study. Furthermore, in view of the probable carcinogenicity indicated by this study so far, it would be

[3] The Tullar study (G–54) is also referred to in the record as an early chronic study.

[4] The Svirbely and Floyd study (G–86) is also referred to in the record as the Svirbely study, a long-term study, and an early chronic study.

[5] The Dow chronic feeding study (G–57) is also referred to in the record as: Dow chronic rat feeding study, Dow chronic ingestion study, Dow rat feeding study, Dow ingestion study, MCA ingestion study, chronic ingestion study, long-term study, Norris study.

inappropriate to postulate any safe level pending resolution of whether acrylonitrile is indeed a carcinogen in animals.

ii. The manufacturing parties contend that a dose-response relationship and a no-effect level for tumorigenicity and the other chronic toxic effects of acrylonitrile have been shown by other studies, specifically the Tuller study, the Svirbely and Floyd study, and the Maltoni studies (Monsanto App. at 53–54; Borg-Warner App. at 13, 15–16).

a. The Tullar study was reported in 1947 and is inadequate by contemporary standards (G–87 at ¶ 18), because of the small number of animals in the experimental groups, the use of male animals only, and the failure to use a full range of toxicological criteria. (G–86 at ¶ 7.) When considering the Tullar study, it should also be noted that the manufacturing parties have excepted to the Administrative Law Judge's reference to a report of the investigator in the Tullar study who commented that tumor-like growths were seen in four rats. (Monsanto App. at 65–66, citing ID at 36.) The manufacturers view the suggestion that the Tullar study "adds significance" to the recent tumorigenicity findings as being in conflict with the Commissioner's earlier assessment, quoted by the manufacturers, that the Tullar study did not demonstrate carcinogenicity. The Commissioner made the latter assessment "because of the inadequacy of this study and the lack of dose relationship," and because "the fact the tumors were of different kinds suggests no relationship to the agent fed." (FEDERAL REGISTER of November 4, 1974 (39 FR 38907, 38908) quoted in Monsanto App. at 66.) The Commissioner's assessment of the inadequacy of the Tullar study for evaluating the safety of acrylonitrile has not changed, and, at least on this matter, the Commissioner and the manufacturers are in agreement on the inappropriateness of reliance on that study.

b. The deficiencies of the Svirbely and Floyd Study have already been discussed, and the study can no more be considered adequate for purposes of evaluating tumorigenicity than it can be for teratogenicity.

iii. The Maltoni studies are ongoing, long-term studies on rats which have not been published or reported on in the manner usual for scientific studies. Monsanto put great emphasis on the Administrative Law Judge's failure to discuss this study or give it any apparent weight. (Monsanto App. at 14, 53–54, 67–68.)

Dr. Levinskas testified that Maltoni has not released reports to anyone except the sponsors of the study. (Tr. at 757.) Apparently, Maltoni does not believe in releasing negative data before a study is completed "because they may turn out positive before the study is over" and he did not give any written or printed material to Dr. Levinskas. (Tr. at 779–80.)

The Administrative Law Judge originally excluded from the record Dr. Levinskas' account of this study. In his Initial Decision, he concluded that it should be admitted into evidence, but he did not discuss it further and gave it no apparent weight. The Commissioner agrees that the Maltoni studies described in Dr. Levinskas' testimony should properly be given no weight. The Maltoni data are incomplete and the studies have not been officially reported by Maltoni. Furthermore, given the strong evidence that acrylonitrile is a carcinogen, Maltoni's unreported and incomplete data cannot be used to establish a "safe level" for acrylonitrile. The Act does not acknowledge the existence of a "safe level" for a carcinogenic food additive.

iv. Monsanto also excepted to the Dow chronic feeding study on the grounds that its "design and validity has been challenged." (Monsanto App. at 53.) The criticism, as stated in the manufacturers' Briefs, relates primarily to whether the maximum tolerated dose was exceeded.

There is convincing testimony that this study is appropriately designed. (Cueto, G–85 at ¶ 5 and Tr. at 269–70.) The maximum tolerated dose is a criteria of the National Cancer Institute that is aimed at ensuring that enough animals survive the test to draw meaningful conclusions when negative results are found; when enough survive, or when positive results are found, as was true here, the fact that the dose was exceeded does not invalidate the study. (Cueto Tr. at 270–73, 297–98.) In any event, the Administrative Law Judge did not find that the maximum tolerated dose was exceeded, and the Commissioner concludes that it has not been established that it was exceeded. (See Bureau Brief at 104–07.) Furthermore, even if the validity of this study were to be undercut, this would not permit a conclusion that acrylonitrile is safe since no other chronic studies that are adequate by contemporary standards establish that acrylonitrile is safe.

v. Vistron excepts to the asserted misinterpretation by the Administrative Law Judge of Vistron's position on the contamination of the acrylonitrile and the acrylonitrile-water solutions used in the Dow chronic feeding study and the effect of such contamination upon the results of the study. (Vistron App. at 14–16.)

NRDC replies aptly to Vistron's exception by saying "This argument does not explain the fact that acrylonitrile causes cancer when inhaled, or why acrylamide [the impurity] would not be formed in beverages and pose a cancer risk to humans." (NRDC App. at 19.) Furthermore, the contamination possibility could not be viewed as explaining the tumorigenic and carcinogenic effects in the Dow chronic feeding study until further studies are done to establish the effects of the contaminant and to show that acrylonitrile is safe. (See Bureau Reply at 41.)

3. *Carcinogenic Potential.* a. *Initial Decision And Commissioner's Analysis.* The interim results from the Dow chronic feeding study show malignant tumors, including a highly important incidence of rare microgliomas (central nervous system tumors) and an increased incidence of Zymbal gland tumors. (ID at 20, 22; G–86 at ¶ 14b; G–87 at ¶¶ 25–28; G–85 at ¶¶ 7–8.) The higher incidence of malignant tumors in the treated animals at the 12 month stage implicates acrylonitrile as a carcinogen in rats. Thus, the ongoing Dow chronic feeding study shows not only that acrylonitrile is tumorigenic in the rat, but also that it probably carcinogenic as well. Since this study is not yet complete, it cannot be finally determined that acrylonitrile is a carcinogen. However, in view of the tumor findings so far in that study and the other indications in the record that acrylonitrile may be carcinogenic, the Commissioner believes acrylonitrile cannot now be considered to have been shown by the manufacturers to be safe.

The Administrative Law Judge found that there are other data in the record indicating the possible carcinogenicity of acrylonitrile:

> The two inhalation studies, one in rats and one in humans are also pertinent to this discussion. The rats tested showed the same central nervous system tumors, ear canal tumors and breast masses as did their counterparts in the chronic ingestion studies. This similarity makes comparisons between the groups appropriate. It also gives relevance to the human data, which showed a threefold increase in cancer among workers exposed to AN industrially. The necessity of chronic studies in unearthing these effects is paralleled by the 20-year latency period noted in the human case, as well as the systemic nature of the cancer, this similarity being noted by the du Pont researchers. (ID at 23.)

Based on this the Administrative Law Judge concluded:

> While it would be inappropriate to find AN unsafe or label it as a definite carcinogen on the basis of incomplete tests, the interim results from chronic feeding and inhalation studies raise considerable doubt as to its safety and require its exclusion from food. This is necessary to protect the public from the harm that could result from subjecting it to what is a potentially harmful substance unless, or until the safety of such substance, or the lack thereof, is reasonably established. (ID at 24.)

b. *Exceptions And Commissioner's Response*—i. The manufacturers object to the determination that acrylonitrile is a potential carcinogen. (Monsanto App. at 57–58, 63, 66–68; Borg-Warner App. at 16–17.) Most of their exceptions have been dealt with already in discussing the tumorigenicity data. However, the manufacturers' suggestion that a safe level can be derived for acrylonitrile, notwithstanding its carcinogenic potential, warrants further comment. As the Administrative Law Judge stated, if the data establishes the carcinogenicity of acrylonitrile the Delaney Clause would preclude determination of any safe level for its use as a food additive. 21 U.S.C. 348 (c)(3)(A). When evaluating whether a possible carcinogen has been shown to be safe by the manufacturers, the policy embodied in that clause is pertinent. Given the strong indications that acrylonitrile is a carcinogen, the Commissioner does not believe that the manufacturers can show a safe level for its use at any level, even assuming that their determinations were being made from adequate and complete studies.

ii. NRDC contends that the Commissioner should conclude now that acrylonitrile is carcinogenic because of the finding of a high incidence of tumors, including malignant ones in the interim sacrifice in the Dow chronic feeding study. (NRDC Reply at 18–21.)

The Commissioner believes the final determination of the carcinogenicity of acrylonitrile should await the final results of the Dow chronic feeding study. The determination of carcinogenicity should be based on a finding that the sole experimental variable between the control and experimental groups is the absence of presence of the test compound, as well as upon a finding that the incidence of tumors is statistically significant. The statistical significance of the tumors cannot be determined until the study is complete and the number of tumors known. At this point, acrylonitrile is a suspect carcinogen, but not yet a proven carcinogen.

iii. Monsanto excepts to the Initial Decision for stating that no evidence has been submitted characterizing the metabolites of acrylonitrile (Monsanto App. at 65, excepting to ID at 28.) Monsanto points out that it has submitted metabolite data in support of its theory that at low levels acrylonitrile is metabolized in the body in a way that renders it harmless. The Commissioner notes, however, that the metabolism data submitted by Monsanto are not complete, and the company's own witnesses testified that more study is necessary to prove their theory. (Tr. at 642, 691, 695; Bureau Brief at 107–10.) The Bureau also submitted testimony that more data is needed before this theory can be considered. (Blumenthal, G–88 at ¶¶ 9, 20.)

Monsanto also criticized the Initial Decision for not discussing the "uncontradicted testimony" by Bureau witnesses Cueto and Blumenthal that the human body contains defense and repair mechanisms for carcinogenesis. (Monsanto App. at 14.) The very testimony cited by Monsanto provides a sufficient explanation of why this theory cannot be used to postulate a safe level for acrylonitrile. Dr. Blumenthal testified that he personally thought there might be such mechanisms, but—

> * * * for any individual compound, each of these parameters has to be determined individually. * * * Therefore, it would seem to me that the important point to establish with respect to acrylonitrile is whether in fact there are any data available that would define a threshold for toxicologic responses in rats, mice and humans to acrylonitrile exposure. (G–88 at ¶ 15.)

That data for acrylonitrile has not been submitted. Whether there is a threshold, and where it may be, is not now known. Accordingly, the Commissioner concludes that acrylonitrile cannot be considered to be safe based on Monsanto's as yet unsubstantiated theories.

iv. Monsanto also excepts to the Administrative Law Judge's reliance on the duPont workers study* (G–74) and the Dow inhalation study† in rats (G–71) in his evaluation of carcinogenicity (Monsanto App. at 57–58, citing ID at 23.) The principal basis of the objection is that the Maltoni studies were not also discussed, but, in addition, Monsanto questions the relevance of these two inhalation studies in view of the tumor distributions in the duPont study.

The Commissioner has already discussed why it is inappropriate to give any weight to the Maltoni studies. The rats in the 80 ppm group in the Dow inhalation study exhibited central nervous system tumors similar to those seen in the Dow chronic feeding study (G–87 at ¶ 29). The duPont workers study demonstrated an increased incidence of cancer among workers exposed to acrylonitrile (Kokoski, Tr. at 441). Although some of the tumor sites found in this study in humans differed from those found in rats in the Dow chronic feeding study, this difference was not unexpected since different species often manifest different tumor sites when exposed to the same toxic substances. (Kokoski, Tr. at 441–42.) Inhalation studies are not directly relevant to ingestion toxicity; however, the inhalation data "gives evidence of the systematic nature of the apparent carcinogenic effect of acrylonitrile after absorption." (G–87 at ¶ 29; Tr. at 440–42.) The Commissioner believes that the inhalation studies suggest that acrylonitrile is a carcinogen and that they provide evidence supportive of the interim results from the Dow chronic feeding study. All these studies taken together preclude a conclusion that acrylonitrile beverage containers have been shown to be safe.

v. Monsanto also excepts to the Administrative Law Judge's statements that the manufacturers used the duPont workers study to project a no-effect level. Monsanto maintains that this study is too flawed to be used for any purpose. (Monsanto App. at 55.) If any weight is to be given to the results of this study, though, Monsanto regards them as consistent with an apparent no-effect level.

The Commissioner accepts Monsanto's exception claiming that it did not in fact use this study to derive a no-effect level. He too is aware of the limitations of this study, including the fact that it is not complete. (G–87 at ¶ 30; Tr. at 820). Nonetheless he believes the Administrative Law Judge was correct in giving this study weight in considering whether acrylonitrile had been shown to be safe because the study suggests that acrylonitrile may be a human carcinogen. This study, taken together with the other data in the record, raises serious suspicions about the carcinogenic potential of acrylonitrile that need to be resolved by complete and adequate studies.

4. *Mutagenicity.* a. *Initial decision.* The Administrative Law Judge summarizes his findings on the mutagenicity studies as follows:

> The present data raise certain implications of adverse effects of acrylonitrile. The microbial system screening for animal carcinogenicity has produced several clear, highly reproducible positive findings, with negative results occurring only when a technique meant to overcome the problems of toxicity or volatility of AN was not utilized. In this situation, with the same number of studies finding positive results as those finding negative results, it would be improper to discount the positive findings. This view results in a strong implication of acrylonitrile being a carcinogen in higher animal systems. (ID at 22.)

b. *Exceptions and Commissioner's response.* Monsanto excepts to the above statement on the grounds that the "great majority" of the mutagenicity tests have shown a negative response. (Monsanto App. at 50–52.) Monsanto makes this calculation by counting as separate tests the testing done on each of 33 bacterial strains used in the six mutagenicity tests discussed in the Initial Decision. Monsanto describes all the positive results as weak. The exception also maintains that the manufacturers have never contended that negative results automatically outweigh positive results, but that they believe, on the other hand, that positive results should not automatically outweigh negative. Monsanto also criticizes the failure to note that negative mutagenicity results have been observed even when precautions were taken to prevent volatilization.

The Commissioner finds that Monsanto's approach of dividing each study into its component bacterial strain is inappropriate, since, as the Bureau notes, "many of the strains were never tested by procedures designed to inhibit the volatilization of the acrylonitrile nor designed specifically to detect mutagens that are not strong enough to demonstrate a mutagenic effect in the standard plate test." (Bureau Reply at 27.) Furthermore, Monsanto's effort to discount the positive results by emphasizing that they were "weak" overlooks the fact that the volatilization process used makes it impossible to conclude whether acrylonitrile is a weak or potent mutagen." (Prival, Tr. at 228.)

The mutagenicity testing is primarily important for indicating whether acrylonitrile may be a carcinogen. Microbial testing "has been shown to be about 90 percent accurate in predicting animal carcinogens." (ID at 17.) Consequently, the positive results are highly important in indicating the need for further investigation into the carcinogenic potential of acrylonitrile. The negative results do no dispel these concerns. (See ID at 17–19.) The laboratories reporting positive findings used appropriate methods (ID at 17–19), and nothing in the exceptions indicates that the positive

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*The duPont workers study (G–74) is also referred to in the record as the epidemiological study, human study, inhalation study and duPont study.

†The Dow inhalation study (G–71) is also referred to in the record as the rat inhalation study.

tests are invalid, apart from the existence of negative results, some of which can be attributed to the failure to use techniques to prevent volatilization.

The Administrative Law Judge believed that the positive results warranted the completion of a "cancer-profile test protocol" before acrylonitrile could be determined to be noncarcinogenic (ID at 17). The Commissioner believes this conclusion is still valid. Complete animal testing of the carcinogenic potential of acrylonitrile is needed to resolve the differences between the positive and negative results in the highly predictive mutagenicity testing.

C. RISK ASSESSMENT AND OTHER CONTENTIONS

1. Monsanto contends that the Administrative Law Judge ignored its position that in making risk assessments corrections can be made to compensate for incomplete studies, studies in one species, and cumulative effects. (Monsanto App. at 68–69.)

This may indeed be Monsanto's position, but it is not the Commissioner's position and the Administrative Law Judge rightly did not adopt it. Safety decisions should be made on complete data. If safety calculations are made on incomplete data, they inherently rest on a guess that the further studies will not demonstrate a greater risk than the compensation factor used. The Commissioner is not willing to make such assumptions in connection with the severe risks indicated for acrylonitrile. It is particularly inappropriate in view of the carcinogenic potential of acrylonitrile. Furthermore, the validity of statistical extrapolations to determine safety risks from incomplete data is conjectural. (See Bureau Brief at 131–33, 146–50.)

2. As part of his discussion of risk assessment, the Administrative Law Judge discussed not only the traditional use of safety factors to determine a no-effect level but also the Mantel-Bryan procedure which he equates with the "Sensitivity of the Method" (SOM) regulation[1] recently issued by FDA. (ID at 31, n. 20.) The Administrative Law Judge correctly found, as already discussed, that no risk assessment procedure, including the Mantel-Bryan procedures, could be used because of the absence of complete and adequate animal studies from which to extrapolate the risk level to humans with confidence. In its exceptions, Monsanto still argues for the use of the Mantel-Bryan procedure to calculate safe exposure levels for carcinogens (Monsanto App. at 63), and all the participants devoted considerable attention to the SOM regulation in their briefs to the Administrative Law Judge. Accordingly, the Commissioner believes he should elaborate upon his conclusion that the SOM regulation is inapplicable to this proceeding.

The SOM regulation applies by its terms to animal drugs and was issued under a statutory exception to the Delaney Clause (the so-called DES exemption) that permits the use of a carcinogenic animal drug in meat producing animals if no residue is found in the meat by a method approved by the Agency. (21 U.S.C. 348(c)(3)(A), 360b(d)(1)(H), and 376(b)(5)(B).) The regulation establishes criteria for how sensitive a method has to be before the agency will approve it. The regulation provides for the use of the Mantel-Bryan procedure to calculate how sensitive the method must be. The SOM regulation deals with the development of methods, pursuant to a statutory provision, for determining whether residues of a carcinogenic animal drug is present in meat, not with determining a safe level for carcinogens, as some of the submissions would have it. The regulation is currently under judicial review. (*Animal Health Institute* v. *FDA*, C.A. No. 77–0806 (D. D.C.), filed May 12, 1977.)

The Commissioner believes that if the SOM regulation were ever to be applied to food additives it should be done by regulation after public notice and opportunity for comment. It is by no means clear that the criteria and manner of calculation used for animal drugs should be adopted for food additives. NRDC, for example, maintains that the risk criteria in the SOM regulation are not sufficiently conservative for food additives. (NRDC Brief at 49–50; see Bureau Brief at 121–22, 126–29, 133–36.)

The general public has received no notice that the SOM regulation might be considered for application to food additives in this proceeding. The notice of hearing did not mention this issue and, indeed, the Commissioner did not anticipate that it would arise. A petition (77P–0122) has recently been filed by the Society of the Plastics Industry requesting the Commissioner to initiate a rulemaking proceeding to adopt the sensitivity of the method criteria for use in regulating food additives.

The legal issues regarding the applicability of an SOM approach to food additives are extremely complex and difficult. (Bureau Brief at 120–21.) The only explicit provision in the statutory section governing food additives which authorizes the agency to establish methods for determining the presence of a substance is the DES exemption, which is limited in its applicability to animal drugs. (21 U.S.C. 348.) NRDC maintains that the SOM regulation cannot appropriately be applied in this proceeding or for indirect food additives (NRDC Brief at 48–50.) The Commissioner will not attempt to resolve these legal questions here because he does not view this proceeding as a suitable forum to address the issue. More consideration of the issue is needed both by the public and by the agency before the applicability of the SOM regulation to food additives is addressed and resolved.

3. Monsanto states in its general exceptions that the degree of risk from small amounts of a substance like acrylonitrile can never be precisely known; it can only be estimated. Furthermore, safe levels can be determined by extrapolation from toxic effects seen at high levels, and the more data available the more confident the projections. Monsanto then states that more data exist on the safety of acrylonitrile than on any other beverage container migrant and, from this, concludes that the Administrative Law Judge was wrong in believing that the degree of risk from acrylonitrile is not presently known. (Monsanto App. at 28–30.)

The Commissioner agrees with Monsanto's position as summarized in the first two sentences above, but he finds the conclusion drawn by Monsanto to be unsound. Safety determinations are not precise and some uncertainties remain even when they are drawn from complete data. When incomplete studies or inadequate data are used to project risks, the estimates are more likely to be incorrect. The adequacy of data is not determined, as Monsanto would have it, on volume or on a comparative basis. To be adequate the data must satisfy scientific procedure and be sufficient to determine with confidence a safe level for each type of risk posed. By that standard the level of risk from acrylonitrile has not been adequately determined, as the Administrative Law Judge found.

4. Monsanto has also excepted to the discussion of consumption patterns in the Initial Decision because it reports the contentions of the participants without accepting Monsanto's figure. (Monsanto App. at 48–50, citing ID at 29–30; see Borg-Warner App. at 13.) Monsanto also objects to the Initial Decision for apparently agreeing with the Bureau's criticisms of Monsanto's estimate.

The Administrative Law Judge determined that a safe level could not be established for acrylonitrile in view of the incompleteness of the safety data. (ID at 33, 37 and 38.) Consumption patterns become relevant only if a calculation is to be made of a safe level for human consumption of a substance. Since a safe level cannot be determined, there is no need at present to resolve issues about the consumption pattern for acrylonitrile. Thus, it was appropriate for the Initial Decision not to reach any conclusion about this matter.

Furthermore, before Monsanto's estimate of the total dietary concentration of acrylonitrile can be accepted, the issues raised by the Bureau need to be considered. (Bureau Reply at 24–26.) The Bureau criticizes the Monsanto estimate because it relates to total diet, rather than total fluid diet, because it is based on migration estimates that are not sufficiently exaggerated with respect to time and temperature conditions, and because it does not make any allowance for the higher absolute amount of acrylonitrile consumed by the above average consumer, even though the concentration of acrylonitrile remains the same. If a safe level is to be determined for acrylonitrile

[1] The correct title of this regulation is Criteria and Procedures for Evaluating Assays for Carcinogenic Residues. The Commissioner will refer to it by the term Sensitivity of the Method (SOM) because this terminology has been used in this proceeding, but he has reservations about the terminology, as noted in the FEDERAL REGISTER of February 22, 1977 (42 FR 10412, 10427–28).

in the future, based on complete safety data, the issues raised by the Bureau need to be taken into account in evaluating Monsanto's estimate.

IV. Miscellaneous Matters

The Commissioner discusses below some miscellaneous exceptions raised by the participants and the nature of the order that should be issued in this proceeding.

A. Formal Requirements and Adequacy of the Initial Decision

The manufactures object to the Initial Decision on the ground that it made broad general findings, did not contain formal findings of fact and conclusions of law, and did not discuss all the testimony and points they consider significant. (Monsanto App. at 13–16, 28–29, Borg-Warner App. at 12–19, and Vistron App. at 19.) They conclude from this that the Administrative Law Judge did not fairly evaluate the whole record. They also deduce from the fact that the Administrative Law Judge did not state the governing legal standards with respect to the burden of proof and other matters that he did not in fact apply the correct legal standards and did not, for example, impose on the Bureau the burden of proof on the food additive question (Monsanto App. at 12, Borg-Warner App. at 2–8.) Monsanto also criticizes as "misleading" the Administrative Law Judge's statement of Monsanto's position on a number of safety issues and his description of the details of the different studies in the record. (E.g., Monsanto App. at 54–69.)

The Commissioner concludes after reviewing this matter carefully that these objections go primarily to form and that there is no merit in the suggestion that the Initial Decision is inadequate or unfair. The Administrative Law Judge's Initial Decision reflects a thorough evaluation of the submissions under the appropriate statutory standards and a careful analysis of the points he considered significant. He did not need to recite all the governing legal standards, and his not doing so with respect to the matters raised in the exceptions seems attributable to the fact that it was clear and undisputed which standards applied. The Bureau clearly acknowledged, for instance, that it had the burden of proof on the food additive issue (Bureau Brief at 6–7).

In preparing this Final Decision, the Commissioner has addressed all the contentions raised by the participants that he considers significant. He also has expressly stated his positions on some of the minor contentions, simply to avoid further dispute about the need for an express statement to demonstrate they were considered. Time did not permit, though, an express treatment of each exception or item in the record that the participants may have wanted discussed, and a specific discussion of each was not needed in view of the satisfactory responses in the Bureau reply. Furthermore, the Commissioner believes the issuance of a Decision should not be an exercise in mentioning details. Instead, the time and attention of the decisionmaker should be addressed to presenting a reasoned discussion of the important issues, as the Commissioner believes has been done in this proceeding.

A narrative presentation of findings of fact and conclusions of law, as incorporated in the Initial Decision, is permissible under the provisions of the Administrative Procedure Act, 5 U.S.C. 557(d). *Gilbertsville Trucking Co.* v. *United States*, 196 F. Supp. 351 (D. Mass. 1961); *State Corporation Commission* v. *United States*, 184 F. Supp. 691 (D. Kan. 1959). The other applicable provisions, 21 U.S.C. 409(f) and 21 CFR 12.120, do not establish a mandatory form for the required findings of fact and conclusions of law. The Commissioner believes, though, that a formal statement of the findings and conclusions of law is the most useful format for providing a concise presentation of the basic elements of the decision. Accordingly, he has included formal findings of fact and conclusions of law in this final decision in numbered paragraph form.

Monsanto's criticisms of the Initial Decision as being inaccurate or misleading are related to specific exceptions it takes to the discussion of the safety data. The Commissioner has discussed a number of these criticisms in connection with the safety data to which they relate. In many repects, the exceptions fault the Initial Decision as being inadequate or misleading simply because the decision did not accept the theories offered by the manufacturer. (E.g., Monsanto App. at 58–59.) Some objections are a quibbing over details, though Monsanto's exceptions did correctly point out some inaccuracies. (See, e.g., Bureau Reply at 26, n. 36 and 31, ¶¶10–11 agreeing with Monsanto's exceptions.) The Commissioner has responded to some other exceptions reporting errors or imprecision by stating the point correctly when the discussion of the point was pertinent in this Decision. The inaccuracies in the Initial Decision do not, however, have any material bearing on the basic findings of the Initial Decision or its conclusions, and, after considering them the Commissioner finds that they are, as a whole, inconsequential.

B. Compensation Arrangement for Witness and Bias

The Administrative Law Judge noted in his opinion that one of the expert witnesses for a manufacturing party was an employee of one of the law firms representing that part (ID at 5–6). The Administrative Law Judge stated that he was raising this matter in his Initial Decision "merely to point out the potential inroads to a witness's freedom from 'financial inducements' which could conceivably result from such circumstances." (ID at 6.) The manufacturing party involved raised a strenuous and lengthy exception to the Administrative Law Judge's reference to this matter and asked the Commissioner to have the Administrative Law Judge's discussion "expunged from the record of this proceeding." (Monsanto App. at 30–37). The comment of the Administrative Law Judge quoted above was viewed as a "gratuitous slur" of the witness, and his raising of the issue, without resolving it, was viewed as indicating bias on his part against all the manufacturers' witnesses. (Monsanto App. at 33, 35.)

The Commissioner views the Administrative Law Judge's purpose as having been either to note a factor that might conceivably have some bearing on the weight to be given the testimony of the witness involved or to raise an issue that might be considered for treatment in the Agency's procedural regulations. His raising of the matter does not demonstrate bias. As the exception itself maintained, the compensation arrangement for a witness "is simply a factor to be considered in weighing the testimony". (Monsanto App. at 35.)

After reviewing the matter, the Commissioner finds no reason to alter the weight that should be given to the testimony of the witness because of the compensation arrangement noted in the Initial Decision. The Commissioner has carefully considered the testimony of this witness on its merits.

The Commissioner regards the manufacturer's request for an expungement of the record as being novel. He is neither convinced of its merits nor certain of the mechanics. Under FDA's general procedural regulations, 21 CFR 10.70(c)(6), once a document is final and part of the Agency's administrative file, it cannot be deleted. The record of this proceedng is public, and what is in the public record should remain there.

The Commissioner also rejects the suggestion that the Initial Decision reflects bias against all the manufacturers' witnesses. The principal grounds given in the exception for asserting bias, aside from the matter discussed above, are the failure to rely on the Maltoni studies and the failure to mention the testimony of "eminent scientists," specifically Dr. Robert Olson (M–96), and Professor Robert Wilson (M–90). (Monsanto App. at 35–37.) The Maltoni studies are discussed earlier in this Decision and the testimony of Dr. Olson and Dr. Wilson is discussed below.

As the Bureau points out, bias is not demonstrated simply "because the Court fails to invoke the name or discuss explicitly the testimony of every witness in the proceeding." (Bureau Reply at 20.) The Administrative Law Judge did not specifically discuss the testimony of some "key" Bureau witnesses, namely Holtz, Cueto and Livingston (Bureau Reply at 20), yet there is no suggestion that he was biased against the Bureau. Furthermore, the Commissioner believes that omission of any specific discussion of the Olson and Wilson testimony is justified by its content. The testimony of Dr. Olson discussed in general terms the metabolism of acrylonitrile and the threshold concept and, without referring to any actual toxicity data, drew a conclusion about the safety of acrylonitrile which was based on the manufacturers' theory of toxicological insignificance

Since the Commissioner has rejected that theory in this proceeding, it is unnecessary to deal in detail with Dr. Olson's testimony. Professor Wilson's testimony dealt with a risk assessment of acrylonitrile which was not significantly different from others presented by the manufacturers and was based on incomplete data. Since the Commissioner has concluded that the presently available data are not adequate to confidently evaluate the risks posed by acrylonitrile, it is not necessary to evaluate in detail risk assessments such a those offered by Professor Wilson.

C. APPLICABILITY TO OTHER USES AND SUBSTANCES

The manufacturing parties except to the Administrative Law Judge's suggestion that the Commissioner consider revising or staying the regulations governing the use of acrylonitrile copolymers in non-beverage containers. (Monsanto App. at 37–38, Borg-Warner App. at 20–23; Vistron App. at 1–3.) They urge that the Commissioner not issue an order in this proceeding that applies to non-beverage containers.

The Commissioner believes the Administrative Law Judge's suggestion warrants further consideration, but he views any action to be taken in that regard to be a distinct matter that should be handled in a separate proceeding. The issues as framed for this proceeding concern only beverage containers, and affected persons must be afforded an opportunity to be heard before any action is taken with respect to other uses.

Monsanto suggests that this proceeding should be viewed as having determined that hydrogen cyanide and other substances which may be in acrylonitrile copolymer beverage bottles are non-migratory or safe merely because they were not discussed in the Initial Decision. (Monsanto App. at 12, footnote.) The Commissioner disagrees. The record shows that, due to the migration of acrylonitrile monomer, acrylonitrile copolymers used to fabricate beverage containers are food additives which have not been shown to be safe. Therefore, it is not necessary to consider whether other substances in the beverage containers migrate or are safe, and this proceeding should not be considered to have decided those questions.

D. PRIOR HISTORY

Monsanto excepts to the Administrative Law Judge's summary of the origins of this proceeding. (Monsanto App. at 39–41.) The Administrative Law Judge attributed the Agency's reconsideration of the safety data for acrylonitrile to the development of improved methods for detecting migration. Monsanto insists that the reconsideration of the safety data was prompted by a concern about the possibility of delayed extraction from a reversible mercaptan complex, a possibility which has not been pursued by the Bureau in this proceeding. (Tr. at 114.) Monsanto also excepts to the description of the requirements of the interim regulations. (Monsanto App. at 40–41.)

Whatever the particular factor was that caused the initiation of some reconsideration of the safety data for acrylonitrile copolymers, the Commissioner believes the reconsideration to have been warranted, as this record amply demonstrates. The Commissioner regards as pointless any further effort to settle disputes about the prior history of acrylonitrile regulation.

E. NATURE OF THE ORDER

The Initial Decision provides for a stay of the regulations at issue "until further notice." (ID at 40.) In its brief to the Administrative Law Judge, the Bureau proposed an order providing for an amendment of the regulations to eliminate the use of acrylonitrile in beverage containers. The Commissioner has adopted essentially the Bureau's proposed order, by making the appropriate changes in the codified text of the regulations, with a deletion of the stay note and termination of the stay published in the FEDERAL REGISTER of March 11, 1977 (42 FR 13546). Under § 409(f)(3) of the Act, 21 U.S.C. 348(f)(3), the Commissioner's final order is not effective until 90 days after publication.

In *Monsanto Corp.* v. *Gardner*, the Court held that in effect the Commissioner's stay action was taken on his own initiative and that the situation was governed by sections 409(d) and (h) of the Act, 21 U.S.C. 348(d) and (h). These statutory provisions authorize the Commissioner to issue regulations on his own initiative and to establish procedures to amend or withdraw food additive regulations. Thus, the Court viewed this proceeding as being one taken on the Commissioner's initiative to withdraw or amend food additive regulations. The Commissioner agrees.

The Commissioner believes that it would be inappropriate to adopt the order contained in the Initial Decision which simply stays the regulations indefinitely until further notice. It is not clear what procedures would be involved in terminating such a stay, nor what circumstances would warrant termination. Treating this proceeding as an action to amend the regulations, rather than merely to stay them, will ensure that future developments are governed by the regular procedures for regulation of food additives. Any future changes in the status of acrylonitrile as a food additive should be made through the regular procedures of public notice of a proposed regulation, opportunity for comment, and a hearing on objections. By regarding this proceeding as one to amend the regulations rather than merely stay them, the Commissioner reduces the likelihood that there will be confusion about the legal status of acrylonitrile copolymers used to fabricate beverage containers.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. FINDINGS OF FACT

1. Acrylonitrile monomer is used to fabricate acrylonitrile copolymer beverage containers (G–77 at ¶ 17; 21 C.F.R. 177.1020, 177.1030, 177.1040, 177.1050, 177.1480).

2. Acrylonitrile monomer was not used prior to January 1, 1958 to fabricate beverage containers (G–77 at ¶ 17).

3. None of the containers manufactured in accordance with any of the regulations that currently authorize their use is free of residual acrylonitrile monomer (M–1; M–84, at ¶ 11 and Table A; BW–1; BW–2; V–4 at ¶ 18; V–12).

4. The physical process known as diffusion causes residual acrylonitrile monomer in the containers to migrate into the beverage under all conditions of time and temperature to which the containers would be exposed in normal usage (M–82 at ¶¶ 6–10; M–84 at ¶¶ 13–18, 21.B, Appendix; M–86 at ¶¶ 2(a), (b); G–77 at ¶¶ 30–32; G–78 at ¶¶ 11–12, 18 and Exhibit A; Tr. at 132, 136, 139, 143, 144).

5. Extraction tests with food simulants and with beverages conducted under conditions reasonably close to those associated with normal use and intended use confirm that the diffusion process causes migration of acrylonitrile monomer from the beverage containers of Monsanto, Borg-Warner, and Vistron (G–77 at ¶ 30; G–78 at ¶¶ 8, 10–11, 14–16; G–79; G–80; G–81; M–84, Appendix at A–2, A–3, Table IV; BW–1; BW–2; V–1, Table 2; V–7; V–10).

6. The diffusion process may be expressed in the form of a mathematical equation that can be used to predict the occurrence of migration of acrylonitrile monomer at levels that cannot be measured by analytical techniques. Models based on this equation predict that migration will occur, under all time and temperature conditions to which beverage containers would normally be exposed, from containers with low levels of residual monomer that produce amounts of migration too small to be detected analytically (G–78 at ¶¶ 5–7, 8, 11–12, Exhibits A, C; M–84 at ¶¶ 12–18, Appendix; M–86 at ¶¶ 2(a), (b); Tr. at 132, 136, 139, 143, 144).

7. No demonstration has been made that the diffusion process fails to operate for acrylonitrile copolymer beverage containers. The theory that, in unusual circumstances, the molecules of acrylonitrile monomer are indissolubly bound to the copolymer matrix is speculative and has not been established with respect to the levels of residual acrylonitrile monomer present in the copolymer materials most recently produced by Monsanto, Borg-Warner, and Vistron (M–84 at ¶¶ 18, 21.B; Tr. at 147–148).

8. The use of acrylonitrile monomer to fabricate acrylonitrile copolymer beverage containers may reasonably be expected to, and in fact does, result in acrylonitrile copolymer beverage containers becoming a component of beverage foods packaged in such containers (G–77 at ¶ 33; G–78 at ¶ 16; Findings Nos. 1–7, supra).

9. Laboratory testing of acrylonitrile copolymer beverage containers under exaggerated time and temperature conditions with food simulants is an appropriate means of confirming whether the intended use of the containers results in

migration of acrylonitrile monomer and of determining what the levels of migration are or may be assumed to be for purposes of evaluating the toxicity of acrylonitrile monomer under the intended conditions of use of acrylonitrile copolymer beverage containers (G–77 at ¶¶ 5–16; G–78 at ¶ 17; Tr. at 63, 70–71, 79–80, 124).

10. The purpose of extraction testing of acrylonitrile copolymer beverage containers is to determine the maximum amount of acrylonitrile monomer to which the consumer may be exposed under the intended conditions of use of the containers. In conducting extraction tests, it is scientifically appropriate to use conditions of time and temperature that exaggerate those that would be expected for a particular product in order to account for extreme conditions of use and to compensate for the fact that food simulants do not necessarily possess the same extraction characteristics as the numerous different foods that might be packaged in the containers (G–77 at ¶¶ 11–12, 14–16, 23, 25–26. Exhibit F, at 12–13; Tr. at 61, 120, 125, 145).

11. The conditions of 6 months and 90° F are appropriately assumed to represent the intended conditions of use of acrylonitrile copolymer beverage containers in accordance with accepted principles of extraction testing (G–77 at ¶¶ 24–29; M–85 at ¶¶ 22–25).

12. For purposes of assessing the toxicity of acrylonitrile monomer in beverages, data must be derived that show approximately how much monomer will migrate under the intended conditions of use of the containers. These data may consist of the results of extraction tests, projections from mathematical models, or the level of analytical detection that has been achieved. (G–77 at ¶¶ 5–7, 27–28; G–78 at ¶¶ 5–6, 9, 12; M–83; M–84; BW–1; BW–2; V–4 at ¶ 13; V–6; V–7; V–8; V–10; Tr. at 69, 70–72, 79–80, 104–106, 129, 137, 146–147.)

13. Extraction data exist for the acrylonitrile copolymer beverage containers of Monsanto, Borg-Warner, and Vistron (Finding No. 5, *supra*).

14. The available extraction data do not permit a determination of how much monomer migrates from the most recently produced beverage containers of Monsanto and Vistron, although in the case of Vistron its presence was detected and in the case of Monsanto its presence was probably detected (M–83 at ¶¶ 2.d, 9; V–4, ¶ 16; V–10).

15. The mathematical models developed by Monsanto predict migration of 4.3 ppb or more of the monomer under the intended conditions of use of acrylonitrile copolymer beverage containers. The models are as applicable to Borg-Warner's and Vistron's containers as to Monsanto's. The models are not intended to be precise, but to provide an approximation of the levels of migration that can reasonably be expected to occur (G–78 at ¶ 9, Exhibits A and C; M–84, Appendix and Table IV; M–88, Table IV; Tr. at 137, 139, 146).

16. The lowest reliable limit of detection yet achieved for acrylonitrile monomer is 10 ppb (M–83 at ¶ 8; BW–1; V–10).

17. Taken together, the available data indicate that migration of acrylonitrile monomer from acrylonitrile copolymer beverage containers now being produced is in the range of several parts per billion to ten or more parts per billion under the intended conditions of the containers' use. Greater precision would be required if a safe level for human consumption of arcylonitrile were capable of being established at this time (Findings Nos. 9–16, *supra*).

18. Acrylonitrile is a frank teratogen in the rat (G–58; G–82; G–83; Tr. at 187).

19. Because animal species differ in their susceptibility to teratogenesis, a teratology study in at least one more animal species must be performed before a "no-effect" level for acrylonitrile monomer can be determined for purposes of estimating a safe level of exposure for human (G–82 at ¶ 6; G–86 at ¶ 11.b.; G–87 at ¶¶ 15, 23; Tr. at 195, 197, 199, 201–203, 208–209, 210–211).

20. Because of the teratologic effects of acrylonitrile monomer in the rat, a reproduction study must also be conducted before the toxic potential of the monomer can be regarded as completely characterized (Tr. at 195).

21. Based on the Dow-MCA study in rats, acrylonitrile monomer may be teratogenic in humans (G–82 at ¶ 6; Tr. at 214).

22. Acrylonitrile monomer is mutagenic in several bacterial test systems (G–67; G–70; G–84; BW–7; NRDC–92).

23. A chemical that is mutagenic is probably carcinogenic in mammals (G–84 at ¶¶ 3, 20; Tr. at 219–221, 261).

24. The Dow chronic feeding study (G–57; G–72) is appropriately designed to determine the potential carinogenicity and other toxic effects of acrylonitrile monomer in rats (G–85 at ¶ 5; Tr. at 269–270).

25. The interim one year results of the Dow chronic feeding study demonstrate that acrylonitrile monomer is tumorigenic, and create a strong inference that it is carcinogenic (G–85 at ¶¶ 8–9; G–86 at ¶¶ 11.c, 14.b; G–87 at ¶¶ 25–28; Tr. at 303; NRDC–94).

26. The Dow chronic feeding study is incomplete, and the preliminary results indicate at best only the level of risk from acrylonitrile monomer after about the first half of a rat's lifetime (G–72; Tr. at 560, 611–612). At least one tumor has been observed in rats at the lowest feeding level in the ongoing phase of the study that are similar to the tumors observed in rats at higher feeding levels in the interim phase of the study (G–71; G–86 at ¶ 13.b; G–87 at ¶¶ 25–27; Tr. at 290). Consequently, the Dow chronic feeding study does not permit the determination of a "no-effect" level (G–86, ¶ 15; G–87, ¶ 38).

27. Epidemiological data from the duPont workers study suggest that acrylonitrile monomer is carcinogenic in humans (G–86 at ¶ 13.g; G–87 at ¶ 30), but the study does not involve exposure to acrylonitrile by ingestion, does not contain data indicating what the lifetime risk is from exposure to acrylonitrile, and does not report the level of exposure to acrylonitrile monomer undergone by the subjects of the study (G–74).

28. The Tullar Study (G–54) and the Svirbely and Floyd Study (G–55), early chronic toxicity studies of acrylonitrile monomer, are scientifically inadequate for purposes of drawing reliable conclusions about the toxicologic potential of acrylonitrile (G–41; G–84 at ¶¶ 6–9; G–87 at ¶¶ 18–19).

29. The available toxicology data demonstrate that acrylonitrile is a teratogen, a mutagen, a tumorigen, and probably a carcinogen (Finding Nos. 18–28, *supra*.).

30. Whether there is a true biological threshold for the toxic effects of acrylonitrile monomer or where that threshold lies, if it exists, are not now known (G–88 at ¶¶ 9, 14–15, 16–21; Tr. at 650–651, 660, 692).

31. A safe level of human exposure to a toxic chemical is established by applying appropriate safety factors to a "no effect" level determined from the available toxicology data (21 U.S.C. 348(c)(5)(C); G–87 at ¶¶12–15).

32. It is not possible on the basis of the available toxicology data to establish a safe level for human consumption of acrylonitrile monomer by applying safety factors: the data are incomplete, a "no effect" level for the chronic toxicity demonstrated in the 2-year Dow chronic feeding study has not been reliably determined, and it is not possible to establish a safe level for human consumption of a substance that is probably carcinogenic (G–82 at ¶ 6; G–86 at ¶¶ 11.b, 15; G–87 at ¶¶ 13–16, 23, 24–36, 41; Tr. at 195, 197, 199, 201–203, 208–209, 210–211, 284, 290).

33. For the same reasons, it is impossible to establish the degree of toxicity of acrylonitrile monomer for use in performing a "risk assessment" of any level of human exposure to acrylonitrile monomer in beverages.

34. For the same reasons, there do not now exist "scientific procedures" that adequately show that acrylonitrile is safe under the conditions of its intended use to fabricate beverage containers and that could be relied on by qualified experts for that conclusion.

35. Qualified experts in fact do not generally recognize that acrylonitrile has been adequately shown through scientific procedures to be safe under the conditions of its intended use in beverage containers (G–82 at ¶ 6; G–86 at ¶ 16; G–87 at ¶ 41; M–82 at ¶ 5; M–90 at ¶¶ 8, 52; M–96 at ¶ 6; M–97 at ¶ 11; M–98 at ¶ 11; Tr. at 466–467, 589–590; NRDC at ¶¶ 19–22).

36. Factors that are considered in evaluating the safety of a toxic substance under the conditions of its intended use as a food packaging material include the amount of possible migration into food, the types of food packaged in the material, the extent of consumption of foods packaged in the material, and the degree of toxicity of the substance (G–87 at ¶ 5).

37. Since acrylonitrile cannot be considered safe at present because of the deficiencies in the toxicology data (Finding Nos. 19–35, *supra*), it is unnecessary to determine the extent of dietary exposure to acrylonitrile monomer in this proceeding.

B. CONCLUSIONS OF LAW

1. The intended use of acrylonitrile monomer in fabricating acrylonitrile copolymer beverage containers may reasonably be expected to, and does, result in its becoming a component of food.

2. The actual or reasonably expected presence of acrylonitrile monomer in food may be established by reference to any probative scientific evidence, and need not be shown by actual measurement.

3. Whether acrylonitrile monomer becomes, or may reasonably be expected to become, a component of food within the meaning of 21 U.S.C. 321(s) does not depend on whether it does or may migrate in any particular amount. "Toxicological insignificance" is not a statutory term; it does not have a precise meaning or an independent significant or relevance for food additive determinations.

4. The "conditions of . . . intended use" of acrylonitrile monomer in beverage containers are relevant to evaluating the toxicity or safety of the monomer; migration under the "conditions of . . . intended use" need not be shown, but may be used, to establish whether the "intended use" of the monomer "results or may reasonably be expected to result . . . in its becoming a component" of food within the meaning of 21 U.S.C. 321(s).

5. The "conditions of . . . intended use" of acrylonitrile monomer in beverage containers are properly assumed to be those conditions determined to be appropriate for extraction testing.

6. For purposes of toxicological assessment, the amount of acrylonitrile monomer that migrates under extraction testing conditions may be determined by analytical measurement, by the use of mathematical models, or by the lower limit of analytical detection. If mathematical models are used, their limitations must be clearly kept in mind, and the Bureau is not bound to accept the predictions of such models as determinative of the amount of monomer that is present for purposes of making toxicological judgments. If the lower limit of analytical detection is used, in the absence of a contrary showing, monomer should be assumed to be present in an amount equal to the lower limit of detectability.

7. For a substance to be generally recognized among qualified experts as having been adequately shown to be safe under the conditions of its intended use, the relevant community of experts must have actual, present knowledge of the toxic potential, or the absence of toxic potential, of the substance at the levels present under those conditions of use; they must actually have concluded from such knowledge that the substance has been adequately shown to be safe; their knowledge must be based on scientific procedures, which must be of the same quality and quantity as those necessary to demonstrate safety for purposes of issuing a food additive regulation; and such evidence must be reflected in published studies in the relevant body of scientific literature. Evidence that qualified experts would or should recognize a substance as having been adequately shown to be safe if they were aware of the data and information about a substance does not establish the existence of general recognition of safety among such experts.

8. "Safe" or "safety," as those terms are used in 21 U.S. 321(s) and 348, mean a reasonable certainty in the minds of competent scientists that a substance is not harmful under the intended conditions of its use. A substance may be safe even though the toxicological data do not definitively demonstrate that it is safe. However, if the toxicology data make it reasonably certain that the substance may be seriously harmful to some people under its intended conditions of use, the substance is not safe within the meaning of the Federal Food, Drug and Cosmetic Act even though the people who will not be harmed by it greatly outnumber those who may.

9. In evaluating whether a food additive has been shown to be safe, FDA must consider the probable consumption of the additive. 21 U.S.C. 348(c)(5)(A). Probable consumption includes consumption by individuals likely to be exposed to the additive in amounts that significantly exceed the average level of exposure.

10. The Delaney Clause, 21 U.S.C. 348(c)(3)(A), creates a conclusive presumption that a carcinogenic substance present in food as a food additive is unsafe. Accordingly, a carcinogenic substance *per se* cannot be considered generally recognized as safe under 21 U.S.C. 321(s). A substance that is the subject of testing whose preliminary results strongly indicate that it will be shown to be carcinogenic cannot be considered generally recognized as safe under 21 U.S.C. 321(s).

11. Since the Dow chronic feeding study is not yet complete, acrylonitrile monomer cannot at this time be "found to induce cancer when ingested by man or animal" within the meaning of the Delaney Clause, 21 U.S.C. 348(c)(3)(A). No other carcinogenicity data here in evidence have been shown at this time to be "appropriate for the evaluation of food additives" within the meaning of the Delaney Clause.

12. In evaluating the safety of a food additive, FDA must consider safety factors which in the opinion of experts qualified by scientific training and experience to evaluate the safety of food additives are generally recognized as appropriate for the use of animal experimentation data. 21 U.S.C. 348(c)(5)(C). Safety factors may not be applied to a carcinogenic or potentially carcinogenic substance to determine a safe level of human exposure to the substance as a food additive.

13. Acrylonitrile monomer used to fabricate acrylonitrile copolymer beverage containers is not generally recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures to be safe.

14. The proviso in 21 U.S.C. 321(s) for substances used in food prior to January 1, 1958, applies only when a substance to which the proviso is sought to be applied was used prior to January 1, 1958, in the same way that it is, or is sought to be, used now. The proviso is inapplicable to acrylonitrile used to fabricate beverage containers.

15. Acrylonitrile copolymers used to fabricate beverage containers are food additives within the meaning of 21 U.S.C. 321(s).

16. The data of record in this proceeding fail to establish that the use of acrylonitrile to fabricate acrylonitrile copolymer beverage containers is safe, as required by 21 U.S.C. 348(c)(3)(A).

FINAL ORDER

Therefore, on the basis of the foregoing Findings of Fact and Conclusions of Law and the record in the above proceeding and under the Federal Food, Drug and Cosmetic Act (secs. 201(s), 402, 409, 701, 52 Stat. 1046–1047 as amended, 1055–1056 as amended, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 342, 348, 371)) and under the authority delegated to the Commissioner (21 CFR 5.1): *It is ordered*, That the stay of §§ 177.1020, 177.1030, 177.1040, 177.1050 and 177.1480, insofar as those sections permit the acrylonitrile copolymers identified in those sections to be used to fabricate beverage containers, as ordered in the FEDERAL REGISTER of March 11, 1977 (42 FR 13546), be terminated, and that Part 177 be amended as follows:

1. In § 177.1020, by deleting the stay note at the end of the section, and by adding a new paragraph (f) to read as follows:

§ 177.1020 Acrylonitrile/butadiene/styrene copolymer.

* * * * *

(f) Acrylonitrile copolymers identified in this section are not authorized to be used to fabricate beverage containers.

2. In § 177.1030, by deleting the stay note at the end of the section, and by adding a new paragraph (f) to read as follows:

§ 177.1030 Acrylonitrile/butadiene/styrene/methyl methacrylate copolymer.

* * * * *

(f) Acrylonitrile copolymers identified in this section are not authorized to be used to fabricate beverage containers.

3. In § 177.1040, by deleting the stay note at the end of the section, and by adding a new paragraph (e) to read as follows:

§ 177.1040 Acrylonitrile/styrene copolymer.

* * * * *

(e) Acrylonitrile copolymers identified in this section are not authorized to be used to fabricate beverage containers.

4. In § 177.1050, by deleting the stay note at the end of the section, and by adding a new paragraph (g) to read as follows:

§ 177.1050 Acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer.

* * * * *

(g) Acrylonitrile copolymers identified in this section are not authorized to be used to fabricate beverage containers.

5. In § 177.1480, by deleting the stay note at the end of the section, and by adding a new paragraph (d) to read as follows:

§ 177.1480 Nitrile rubber modified acrylonitrile-methyl acrylate copolymers.

* * * * *

(d) Acrylonitrile copolymers identified in this section are not authorized to be used to fabricate beverage containers.

Effective date: This final decision is effective upon signature on September 19, 1977. The order terminating the stay and amending the regulations shall be effective December 22, 1977.

Dated: September 19, 1977.

DONALD KENNEDY,
Commissioner of Food and Drugs.

[FR Doc.77-27755 Filed 9-20-77;10:29 am]

federal register

FRIDAY, SEPTEMBER 23, 1977
PART VI



DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

■

ANTIRECESSION FISCAL ASSISTANCE TO STATE, TERRITORIAL, AND LOCAL GOVERNMENTS

Title 31—Money and Finance

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 52—ANTIRECESSION FISCAL ASSISTANCE TO STATE, TERRITORIAL, AND LOCAL GOVERNMENTS

Interim Regulations

AGENCY: Office of Revenue Sharing, Treasury Department.

ACTION: Amendments to Interim Regulations.

SUMMARY: This notice amends the interim regulations published by the Office of Revenue Sharing pursuant to the Public Works Employment Act of 1976. The purpose of these amendments is to provide immediate guidance to the recipient governments and to inform other interested persons of the changes necessitated in the Antirecession Fiscal Assistance Program by the enactment of the Intergovernmental Antirecession Assistance Act of 1977.

EFFECTIVE DATE: September 23, 1977.

ADDRESS: Send comments to: Director, Office of Revenue Sharing, 2401 E St. NW., Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT:

William H. Sager, Chief Counsel, Office of Revenue Sharing, 2401 E St. NW., Washington, D.C. 20226 (202-634-5182).

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Public Works Employment Act of 1976 (Title II, Pub. L. 94-369), which established the Antirecession Fiscal Assistance Program, was amended by enactment on May 23, 1977 by the Intergovernmental Antirecession Assistance Act of 1977 (Title VI, Pub. L. 95-30). These amendments to Title II of the Public Works Employment Act of 1976 necessitated substantial amendments to the interim regulations (31 CFR Part 52) published in the FEDERAL REGISTER on October 12, 1976 (41 FR 44842). Because the effective date of the amendments made by the Intergovernmental Antirecession Assistance Act is July 1, 1977, these amendments are being published as interim regulations to provide immediate guidance.

SUBPART A

GENERAL INFORMATION

Section 52.0 and § 52.1 are amended to include the Intergovernmental Antirecession Assistance Act of 1977 within the scope and application of the regulations and the Director's delegation of authority from the Secretary of the Treasury.

Section 52.2 amends or adds definitions. The definition of the Act in § 52.2 (a) is amended to mean Title II of the Public Works Employment Act of 1976, as amended by the Intergovernmental Antirecession Assistance Act of 1977. The effective date of the Act in § 52.2(e) is amended to be July 1, 1977. Section 52.2 (f) is amended to include the chief executive officer of the governments of the Commonwealth of Puerto Rico, and the territories of the U.S. Virgin Islands, Guam and American Samoa. The definition of identifiable local governments in former § 52.2(g) is eliminated. Section 52.2(h) is redesignated § 52.2(g) and the term independent public accountant is changed to conform with the definition set forth in the general revenue sharing regulations, 31 CFR Part 51, subpart A. Sections 52.2(i) through § 52.2(m) are redesignated subparagraphs (h) through (l), respectively, and are amended where applicable to include the territorial governments. Section 52.2(m) defines the Revenue Sharing Act. Section 52.2(p) adds utilities to the categories of governmental functions and deletes the category of interest on general debt. Section 52.2(q) defines territory as the governments of American Samoa, Guam, the U.S. Virgin Islands and the Commonwealth of Puerto Rico.

Section 52.3 is amended by the addition of a new paragraph (a) which incorporates by reference the time limits in 31 CFR Part 51, subpart E for the conduct of investigations and compliance reviews. Section 52.3(b) is amended to provide that a recipient government, determined to be in noncompliance with this part (except subpart E), shall achieve compliance within 60 days after notice and a hearing, or payments will be suspended. Section 52.3(b) is redesignated § 52.3(c).

Section 52.4 is amended to authorize the Director to waive time limits imposed on recipient governments under subparts B, C, or D.

SUBPART B

REPORTS AND WRITTEN COMMUNICATIONS

The territorial governments are added to the government in § 52.10(a) required to file statements of assurances. Section 52.10(b) sets forth a new time limit for waiving payments for failure to file a statement of assurances. Section 52.10 (c) authorizes the Director to require a new statement of assurances to be filed each Federal fiscal year. The current § 52.10(c) is redesignated § 52.10(d).

Section 52.11(d) is amended to require recipient governments to request a waiver of the publication of reports on the basis of excessive cost. Recipient governments shall state on the waiver request the alternative publicity means which would be used if the Director grants the waiver. A deadline for filing a request for waiver of the publication requirement is added. Section 52.11(e) requires notification of the news media of a required publication. Section 52.11(f) requires public inspection of published reports and supporting data.

Section 52.12(a) is divided into subparagraphs (a) and (b). The present § 52.12(b) is redesignated § 52.12(c).

SUBPART C

ADJUSTMENTS AND DATA FACTORS

Section 52.20(a) is redesignated § 52.20 and is retitled "adjustment reserve fund". It provides that recovered overpayments shall be set aside into the adjustment reserve fund. Sections 52.20 (b) and (c) are redesignated §§ 52.21 (a) and (b), respectively.

Section 52.21 is redesignated § 52.22. New § 52.22(a) changes the unemployment rates used for computation of quarterly allocations. The unemployment rates used are determined or assigned by the Secretary of Labor and reported to the Director. A local government for which a specific rate cannot be determined may be assigned a rate by the Secretary of Labor. New § 52.22(b) deletes the provision for identifiable local government unemployment rates and adds the requirements for using local unemployment rates submitted by a governor of a State in the allocation formula for local governments in that State. Section 52.22(c) clarifies the requirement that a governor must resubmit unemployment rates each quarter in order for alternative unemployment rates to be used for the quarterly allocations to local governments in that State.

Present § 52.22(a) is redesignated § 52.23(a) and amends the State revenue sharing amount data factor to be the most recently completed revenue sharing entitlement period. Section 52.22(b) is redesignated § 52.23(b), retitled "local government revenue sharing amount", and amends the local governments' revenue sharing amount data factor to be the most recently completed revenue sharing entitlement period. Present § 52.22(c) is deleted.

A new § 52.24 is added, which defines territorial population.

Present §§ 52.23 (a) and (b) are redesignated §§ 52.25 (a) and (b), respectively. New § 52.25(c) provides guidelines for finalizing territorial population data. Present § 52.23(c) is redesignated § 52.25(d), adds territorial population to the data verification procedure and clarifies the grounds for requesting data verification. Present § 52.23(d) is redesignated § 52.21(c).

Present § 52.24 is redesignated § 52.27 and is retitled "national termination of payments; termination of eligibility". New § 52.27(b) is retitled "termination of eligibility", and adds the territory governments to the categories of recipient governments.

Section 52.25 is redesignated § 52.28.

Present § 52.26 (a) and (b) are redesignated § 52.29 (a) and (b), and retitled "waiver of payments; nondelivery". Section 52.26(c) is redesignated § 52.26. Section 52.26(d) is redesignated § 52.30.

SUBPART D

EXPENDITURE PROHIBITIONS AND RESTRICTIONS

Subpart D is amended to delete the optional allocation plan provisions, as required by the recent amendments to the Act. The current subpart E, titled "expenditure prohibitions and restrictions", is redesignated subpart D.

Amended § 52.40 is titled "definitions" and defines four terms applicable to the use of payments. It amends the basic service categories to exclude interest on

the genreal debt as a separate category and to include the category of utilities.

Amended § 52.41 is titled "permissible expenditures." Amended subparagraph (a) is titled "in general", amends the requirements for using payments by limiting the purchase of supplies and materials to normal supplies, and by limiting construction expenditures to repairs. Amended subparagraph (b) is titled "repayment of debt" and authorizes the use of payments for principal and interest changes when the proceeds of the indebtedness were expended for a basic service category, and in accordance with the other regulations such as civil rights. Amended subparagraph (c) is retitled "personnel expenses" and clarifies the use of payments for employee related expenditures.

Present § 52.41 is redesignated § 52.42.

Present § 52.42 is redesignated § 52.43-(a) and retitled "applicability of State, territorial and local laws." It is amended to require the territories to expend payments pursuant to the laws applicable to their own source revenues. New subparagraph (b) is titled "waiver" and authorizes the Director to permit a recipient government to use alternative budgetary procedures where it is legally or practically not possible for the recipient to obligate or appropriate the funds pursuant to its normal budget process within six months of the day following receipt of payment. The Director has received numerous requests from recipient governments for such waivers on the grounds that their normal budgetary procedures would not result in an appropriation within the required time period. Because an important aspect of the antirecession program is to stimulate the economy, a waiver of the recipient government's normal budgetary procedures may now be granted, provided there is compliance with the safeguards set forth in the § 52.47(b).

Section 52.43, § 52.44, and § 52.45 are redesignated § 52.44, § 52.45, and § 52.46, respectively.

Subpart E

Nondiscrimination by Recipient Governments

Subpart F is redesignated subpart E, and is retitled "nondiscrimination by recipient governments." The nondiscrimination requirements of the Act have been made applicable by the recent amendments to all programs or activities of a recipient government unless such government proves by clear and convincing evidence that payments were not expended in a particular program or activity.

Section 52.60 is amended to include discrimination on the basis of age under the Age Discrimination Act of 1975, handicapped status under § 504 of the Rehabilitation Act of 1973, and religion, limited by exemptions and prohibitions under the Civil Rights Acts of 1964 and 1968.

Amended § 52.61 is retitled "incorporation of general revenue sharing nondiscrimination requirements", and incorporates by reference the revenue sharing nondiscrimination regulations in 31 CFR Part 51, subpart E. These nondiscrimination regulations are made applicable to payments because the Intergovernmental Antirecession Assistance Act of 1977 amends § 207 of the Act to be substantively identical to §§ 122, 124 and 125 of the Revenue Sharing Act, as amended. Accordingly, present § 52.61 through § 52.71 are superceded.

Subpart F

Fiscal Procedures and Audits

Present subpart G is redesignated subpart F.

Section 52.80(a)(1)(2) is redesignated § 52.80(b)(1)(2). Section 52.80(b) is redesignated § 52.80(d). Section 52.80(c) requires recipient governments to account for payments using, at a minimum, procedures applicable to the expenditures of its own source revenues.

Section 52.81(a) provides that audits, reviews and evaluations made under this section shall be conducted consistently with procedures required of recipients of revenue sharing entitlements. Present § 52.81(b) is retitled "audits required", and provides that payments shall be included as a part of any independent audit of a State or local government required under the Revenue Sharing Act.

Section 52.82 provides that the scope of any audit required under § 52.81 of this part shall be of the same financial and compliance type as provided by the audit regulations under the Revenue Sharing Act.

Present § 52.81(c)(3) has been redesignated § 52.83 and retitled "retention of audit workpapers".

Section 52.84 provides that the Director may require, upon request, the chief executive officer of a recipient government to submit a copy of its audit reports.

Subpart G

Proceedings for Reduction in Payments, Withholding, or Repayment

Present subpart H is redesignated subpart G. Section 52.90 is redesignated § 52.100 and is amended to reflect the fact that the revenue sharing regulations (31 CFR Part 51, subpart G) on hearing procedures that are incorporated by reference have been redesignated from §§ 51.80–51.105 to the current § 51.200–§ 51.225.

Need for Immediate Guidance

Because these interim regulations are necessary to provide immediate guidance to recipient governments, it is impractical to issue these interim regulations with the notice and public procedures under 5 U.S.C. 553(b), or subject to the effective date limitations of 5 U.S.C. 553(d).

Written Comments Solicited

Consideration will be given any written comments or suggestions pertaining to these interim regulations which are received on or before November 22, 1977. Written comments shall be addressed to the Director, Office of Revenue Sharing (Symbols CC), 2401 E St. NW., Washington, D.C. 20226. Written comments received in response to this solicitation will be available to the public upon request, unless the comments are exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the Department invokes the applicable exemption. A file of all written comments will be indexed and lodged with the Treasury Library.

The Department of the Treasury has determined that these amendments and interim regulations do not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular A-107.

31 CFR Part 52 is therefore amended in the manner set forth below.

Bernadine Denning,
Director,
Office of Revenue Sharing.

Approved:
Roger Altman,
Assistant Secretary.

Subpart A—General Information

Sec.
52.0 Scope and application of regulations.
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52.2 Definitions.
52.3 Procedure for effecting compliance.
52.4 Extension of time.
52.5 Transfer of payments to secondary recipients.

Subpart B—Reports and Written Communications

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52.22 Unemployment rate data.
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52.26 New units of local government.
52.27 National termination of payments; termination of eligibility.
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Subpart D—Expenditure Prohibitions and Restrictions

52.40 Definitions.
52.41 Permissible expenditures.
52.42 Wage rates and labor standards.
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Subpart E—Nondiscrimination by Recipient Governments

52.60 Purpose.
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52.80 Procedures applicable to use of payments.
52.81 Auditing and evaluation.
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52.83 Retention of audit workpapers.
52.84 Requirement to submit audit reports.

Subpart G—Proceedings for Reduction in Payments, Withholding NR Repayment

Sec.
52.100 Incorporation of hearing procedures.

AUTHORITY: These interim regulations are issued under the authority of § 214 of the Public Works Employment Act of 1976, Title II, Pub. L. 94-369, as amended by the Intergovernmental Antirecession Assistance Act of 1977, Title VI, Pub. L. 95-30 (42 U.S.C. 6721 et seq.) and Treasury Department Order No. 224, dated November 15, 1976 (38 FR 3342), as amended by the Treasury Department Order No. 242 (Revised), dated May 17, 1977.

Subpart A—General Information

§ 52.0 Scope and application of regulations.

The rules and regulations of this part are prescribed for carrying into effect Title II of the Public Works Employment Act of 1976 (Pub. L. 94-369) as amended by the Intergovernmental Antirecession Assistance Act of 1977 (Title VI, Pub. L. 95-30), and are applicable as of September 23, 1977.

§ 52.1 Delegation of authority.

By delegation order of the Secretary of the Treasury, the Director shall perform the functions, exercise the powers and carry out the duties vested in the Secretary by the Public Works Employment Act of 1976, Title II, Pub. L. 94-369, as amended. A reference to the Director in the masculine gender shall not be construed to exclude the feminine gender.

§ 52.2 Definitions.

As used in this part (except where the context clearly indicates otherwise, or where the terms are defined elsewhere in this part) the following definitions shall apply:

(a) "Act" means Title II of the Public Works Employment Act of 1976, Pub. L. 94-369, as amended by the Intergovernmental Antirecession Assistance Act of 1977, Title VI, Pub. L. 95-30, 42 U.S.C. 6721, et seq.

(b) "Chief executive officer" of a local government means the elected official, or the legally designated official who has the primary responsibility for the conduct of that unit's governmental affairs, and is the chief executive officer for purposes of the Revenue Sharing Act and 31 CFR 51.2(b). Examples of the "chief executive officer" of a unit of local government may be: The elected mayor of a municipality, the elected county executive of a county, the chairman of a county commission or board in a county that has no elected county executive, the township supervisor, trustee, first selectman, chairman, city manager, county manager, or such other official as may be designated pursuant to law by the duly elected governing body of the unit of local government; or the chairman, governor, chief or president (as the case may be) of an Indian tribe or Alaskan native village.

(c) "Department" means the Department of the Treasury.

(d) "Director" means the Director of the Office of Revenue Sharing.

(e) "Effective date of the Act" means July 1, 1977.

(f) "Governor" means the Governor of any of the 50 states and the chief executive officer of the Commonwealth of Puerto Rico, and the territories of American Samoa, Guam, and the Virgin Islands of the United States.

(g) "Independent public accountant" means independent certified public accountant, or independent public accountant licensed on or before December 31, 1970, certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(h) "Indian tribe and Alaskan native village" means the recognized governing body of an Indian tribe or Alaskan native village which perform substantial governmental functions. Certification to the Director by the Secretary of the Interior (or Governor of a State in the case of State affiliated tribes) of the recognized governing body of an Indian tribe or an Alaskan native village performing substantial governmental functions for purposes of the Revenue Sharing Act shall constitute prima facie evidence of compliance with such criteria.

(i) "Local government" means the government of a county, municipality, township or other unit of government within the State which:

(1) is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes and reported to the Secretary), and

(2) performs substantial governmental functions. The term local government includes the District of Columbia and the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions.

(j) "Payment" means funds paid to a State, territory or local government pursuant to the Act.

(k) "Quarterly allocation" means the amount of funds allocated to a State, territory or local government as determined by the Director pursuant to the Act.

(l) "Recipient government" means a State, territory or local government which receives payments under the Act.

(m) "Revenue Sharing Act" means the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92-512), as amended by the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488).

(n) "Secretary" means the Secretary of the U.S. Department of the Treasury.

(o) "State government" means the government of any of the 50 states.

(p) "Substantial governmental function" means, with respect to township governments, that such governments have expended revenues within the last two fiscal years (current and preceding fiscal years) and have the present authority to expend revenues within two or more of the following governmental expenditure categories: Education, Highways, Public Welfare, Health and Hospitals, Police and Corrections, Fire Protection, Sewerage and Sanitation, Natural Resources, Housing and Urban Renewal, Transportation, Libraries, Financial Administration, General Administration, General Public Buildings, Parks and Recreation, and Utilities.

(q) "Territory" means the governments of the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands of the United States.

§ 52.3 Procedure for effecting compliance.

(a) *In general.* Whenever the Director receives an administrative complaint, audit report, or other information alleging violation of any provision of this part, the time limits applicable to the conduct of an investigation or a compliance review shall be those set forth in 31 CFR Part 51, subpart E, which are incorporated by reference into this part wherever applicable.

(b) *Determination of noncompliance.* If the Director determines that a recipient government has failed to comply substantially with any provision of this part, other than subpart E, and after giving reasonable notice and opportunity for a hearing to the Governor of the State or territory or chief executive officer of the local government pursuant to subpart G of this part, the Director shall notify the recipient government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it will be withheld until such time as the Director is satisfied that appropriate corrective action has been taken and there is no longer any failure to comply. Until he is so satisfied, the Director shall make no further payments to such recipient government.

(c) *Determination to delay payment.* Whenever the Director determines that a recipient government has failed to comply with the assurance or reporting requirements of subpart B of this part, he may delay payments to such recipient. A determination to delay a payment shall not be subject to the procedure set forth in paragraph (b) of this section and shall be in effect for such time as is necessary to achieve compliance.

§ 52.4 Extension of time.

When, by subparts B, C, or D of this part, a recipient government is required to perform an act within a specified time, the Director may grant a request for an extension of time if in his judgment it is necessary, appropriate and in accordance with the Act. Requests for extensions of time shall be in writing and shall set forth the facts and circumstances supporting the need for more time and the amount of additional time requested.

§ 52.5 Transfer of payments to secondary recipients.

Those prohibitions and restrictions set forth in subparts D, E and F of this part which are applicable to a recipient government's payments continue to be applicable to such funds if they are transferred to another governmental unit or

a private organization. A violation of any provision of such subparts by a secondary recipient shall constitute a violation by the recipient government and the applicable penalty for failure to comply shall be imposed on the recipient government.

Subpart B—Reports and Written Communications

§ 52.10 Assurances; Reports to the Director.

(a) *Requisite assurances for receipt of payments.* A State, territorial or local government will receive payments only upon the filing of a statement of assurances by the chief executive officer with the Director. The statement of assurances provides that a recipient government will comply with certain specific requirements of the Act and this part with respect to the use of payments. In addition, township governments must assure the Director that they perform substantial governmental functions, as defined in § 52.2(p) of this part.

(b) *Waiver for failure to submit a statement of assurances.* In accordance with Administrative Rulings No. 76-4 (41 FR 52828) and No. 77-1 (42 FR 13892), otherwise eligible State and local governments which did not file a statement of assurances with the Director on or before June 1, 1977, have waived payments for the calendar quarters beginning July and October, 1976, and January and April, 1977. Payments for the calendar quarters beginning after June 30, 1977 will be deemed to be waived unless a properly executed statement of assurances has been received by the Director not more than 60 days after the beginning of such calendar quarter.

(c) *New statement of assurances.* A statement of assurances may be required to be filed with the Director for each Federal fiscal year on a date to be determined by the Director. Nothing in this section shall preclude the Director from requiring recipient governments to submit additional assurances as are appropriate to enforce compliance with the Act and the provisions of this part.

(d) *Economization assurance.* The governor or chief executive officer of a recipient government shall provide an assurance on the statement of assurances form required in paragraph (a) of this section, that reasonable efforts have been made to achieve substantial economies in its operations and that payments are necessary to maintain essential services without weakening Federal Government efforts to stimulate the economy through reductions in the Federal tax obligations.

(e) *Reports.* Recipient governments are required to submit reports containing the data requested by the Director to carry out the purposes of this part, such as the uses of payments and their fiscal impact. The reports shall be made within the time limits and in the form and manner specified by the Director.

§ 52.11 Publication and publicity of reports; public inspection.

(a) *In general.* Each report filed with the Director pursuant to § 52.10(e) of this part shall be published within seven days of such filing in a newspaper of general circulation within the jurisdiction of such government.

(b) *Permissible newspapers.* A newspaper is appropriate for purposes of paragraph (a) of this section if it conforms with the newspaper publication requirements for general revenue sharing reporting purposes pursuant to the Revenue Sharing Act.

(c) *Legal notice rules are inapplicable.* The publication requirement in paragraph (a) of this section does not require the publication of reports as a legal notice. A recipient government may publish reports without regard to State or local statutory requirements for the publication of legal notices.

(d) *Waiver of the publication requirement.* (1) The Director may waive the publication requirement of paragraph (a) of this section upon receipt of a written assurance that the cost of publishing a report exceeds 10% of the total amount of payments received by such government during the period covered by such report. The assurance shall be submitted to the Director at least 30 days in advance of the date required for publication under paragraph (a) of this section. The assurance shall also state the alternative means which would be used to publicize the report to persons within the jurisdiction of the recipient government.

(2) The Director may also waive the publication requirement of paragraph (a) of this section upon receipt of a written assurance, signed by the governor or chief executive officer of the recipient government, which states that an alternative means of publicizing the report is more effective to inform persons within the jurisdiction of the recipient government of the report's contents. The assurance shall be submitted to the Director at least 30 days in advance of the publication date under paragraph (a) of this section. The assurance shall also state the alternative means which would be used to publicize the report to persons within the jurisdiction of the recipient government.

(e) *Publicity.* Each recipient government, at the same time as required for publication of reports under paragraph (a) of this section, shall advise the news media within its geographic area, including minority and bilingual news media, of the publication of its reports made pursuant to paragraph (a) of this section, and shall provide copies of such reports to the news media on request.

(f) *Public inspection.* Each recipient government shall make available for public inspection a copy of each of the reports required under paragraph (a) of this section and such information as is necessary to support the information and data submitted on each of those reports. Such detailed information shall be available for public inspection at a specified location during normal business hours.

§ 52.12 Special reports.

(a) *In general.* Each recipient government shall report to the Director, in accordance with the form and time provisions of paragraph (c) of this section, any increase or decrease in any tax rate which it imposes and any substantial (five percent or more on an annualized basis) reduction in the number of individuals it employs (excluding part-time, seasonal and elected officials) or in services (five percent or more on an annualized basis of the total operating budget allocated to providing services) which such recipient government provides during each calendar quarter in which a payment is received.

(b) *State transfers to local governments.* Each State which receives a payment shall report to the Director, in accordance with the form and time provisions of paragraph (c) of this section, any fiscal decision likely to decrease the amount of intergovernmental transfers it provides to the local governments within its boundaries as compared to the amount of intergovernmental transfers provided during the twelve-month period which ended June 30, 1976; together with an explanation of the reasons for such decision.

(c) *Time limitation; form.* Each recipient government shall submit the reports required in paragraphs (a) and (b) of this section upon request of the Director not more than six months after the date on which the decision to impose such tax rate increase or decrease, such reduction in employment or services, or such decrease in intergovernmental transfers is made public. The reports shall be on a form provided by the Director.

Subpart C—Adjustments and Data Factors

§ 52.20 Adjustment reserve fund.

In order to make subsequent adjustments to a payment, the Director shall establish an Antirecession Fiscal Assistance Adjustment Reserve Fund. The Director shall set aside a percentage of the funds appropriated for the purpose of making such payments as in his judgment are necessary to insure that there will be sufficient funds available to make all appropriate adjustments. Payments waived pursuant to § 52.10(b) or § 52.29 of this part, shall be set aside into such Reserve Fund. The funds reserved in this manner and any other funds which the Director may set aside to the Reserve Fund shall accumulate until the Director orders distribution of those funds to recipient governments in accordance with the Act.

§ 52.21 Adjustments to future payments.

(a) *In general.* Adjustment to payments may be effected through adjustment to subsequent payments unless this means of adjustment is deemed impractical or impossible by the Director. In the case of a downward adjustment caused by an overpayment, the Director may demand repayment by the recipient government of the amount determined to have been overpaid. Overpayments shall be repaid on demand in the manner specified by the Director.

(b) *Minimum adjustment.* No adjustment of any kind of less than $100 per

quarter shall be made if in the judgment of the Director such adjustment will be burdensome, costly or impractical.

(c) *Adjustments due to governmental reorganizations, etc.* If there is a change due to governmental reorganizations, annexations, boundary alterations, etc., made by the Director during a calendar quarter in the revenue sharing amount data factor used for quarterly allocations in that calendar quarter, the payments of recipient governments directly affected by such change shall be adjusted for such quarter.

§ 52.22 Unemployment rate data.

(a) *Unemployment rates determined or assigned by the Secretary of Labor.* Except as otherwise provided in paragraphs (b) and (c) of this section, unemployment rates used to determine quarterly allocations, payments and adjustments thereto, national termination of payments and termination of the eligibility of recipient governments, shall be the unemployment rate for the appropriate calendar quarter as determined or assigned by the Secretary of Labor for such recipient government and reported to the Director. The unemployment rate used to determine quarterly allocations for local governments for which the Secretary of Labor cannot determine a local unemployment rate shall be the local unemployment rate assigned by the Secretary of Labor. The Secretary of Labor, at his discretion, may assign to local governments for which a specific unemployment rate cannot be determined a labor market area unemployment rate, balance of labor market area rate, balance of county rate, census division rate, balance of census division rate, county rate, or other appropriate unemployment rate for an area in which such local government is located.

(b) *Unemployment rates submitted by a Governor.* The Governor of a State may submit to the Department of Labor, Bureau of Labor Statistics, each calendar quarter, an unemployment rate for a local government within the Governor's jurisdiction for which the Secretary of Labor cannot determine a specific unemployment rate. The Secretary of Labor shall assign the local unemployment rate submitted by a Governor and shall report such rate to the Director, provided:

(1) The Governor has submitted to the Bureau of Labor Statistics the local unemployment rate for the appropriate calendar quarter for such local government, and such other data as specified by the Secretary of Labor. All submitted unemployment rates shall be certified by the State Employment Security Agency to have been developed in a manner consistent with the methodology used by the Bureau of Labor Statistics to determine local government unemployment rates. Such data shall be submitted by a date specified by the Secretary of Labor;

(2) The Secretary of Labor finds that the local government unemployment rate data submitted by the Governor has been determined in a manner consistent with the procedures and methodology used by the Department of Labor to determine such rates;

(3) The Governor has submitted all information requested by the Secretary of Labor to determine whether such local government unemployment rates have been determined in a manner consistent with the appropriate procedures and methodology; and

(4) The unemployment rate data submitted by a Governor, to the maximum extent technically feasible, is found by the Secretary of Labor to be conceptually consistent with the data for the nation as a whole. Further, the totals of unemployment and labor force for all local governments for which unemployment rates are submitted shall sum to State, county, labor market, census division, or other balance of area totals of their State.

(c) *Updating unemployment rates submitted by a Governor.* The Governor of each State that has submitted an unemployment rate pursuant to paragraph (b) of this section may, for subsequent quarters, submit updated unemployment rates certified by the State Employment Security Agency to have been developed in accordance with the Bureau of Labor Statistics procedures and methodology for local governments, for each local government for which a rate was submitted, and for other local governments within the State. These certified unemployment rates shall be submitted to the Secretary of Labor by a date and in such form and manner as prescribed by the Secretary of Labor. For a calendar quarter in which unemployment rate data for local governments in a State are not received by the Secretary of Labor from a Governor in accordance with this section, the quarterly allocations of such local governments shall be based on the rates assigned by the Secretary of Labor in accordance with paragraph (a) of this section.

§ 52.23 Revenue sharing amount.

(a) *State revenue sharing amount.* The State revenue sharing amount shall be each State's final allocation of revenue sharing funds as determined by the Director pursuant to § 107 of the Revenue Sharing Act for the most recently completed entitlement period prior to the calendar quarter for which the payment is made.

(b) *Local government revenue sharing amount.* The local government revenue sharing amount shall be each local government's final allocation of revenue sharing funds as determined by the Director pursuant to § 107 of the Revenue Sharing Act for the most recently completed entitlement period prior to the calendar quarter for which the payment is made.

§ 52.24 Territorial population.

The territorial population which shall be used for quarterly allocations to the territories shall be the most recent population for each territory as determined by the Bureau of Census and reported to the Director. The territorial population used for quarterly allocations to the territorial governments shall be determined by the Bureau of the Census for the same date of record.

§ 52.25 Finalizing Data; Verification of Data.

(a) *Closing unemployment rate data.* Except as provided in paragraphs (d) and (e) of this section, the unemployment rate data reported by the Secretary of Labor to the Director shall be closed and final as of the date payments are made to recipient governments each calendar quarter.

(b) *Closing revenue sharing amount data.* Except as provided in § 52.21(c) of this part and paragraphs (d) and (e) of this section, the Director's determination of a recipient government's revenue sharing amount shall be closed and final as of the date payments are made each calendar quarter.

(c) *Closing territorial population data.* Except as provided in paragraphs (d) and (e) of this section, the territorial population reported by the Bureau of Census to the Director shall be closed and final as of the date payments are made each calendar quarter.

(d) *Time limitation for data verification.* A government may file a request for data verification with the Director on the grounds that a processing or clerical error was made in the unemployment rate data, the revenue sharing amount data, or the territorial population data used for its quarterly allocation, provided such data verification request is received by the Director within 21 days from the date such data is mailed by the Director to the recipient government for such calendar quarter. Adjustments due to data errors discovered pursuant to this section may be made to the payment of any government for which such data was used for quarterly allocation purposes. Data verification of unemployment rates does not include variances in rates due to quarterly or annual revisions by the Secretary of Labor after the date of payment for a calendar quarter. Nothing in this section shall affect the entitlement of governments under the Revenue Sharing Act.

(e) *Data verification by the Director or the Bureau of Labor Statistics.* Errors in data used for payments that are discovered by the Director or the Bureau of Labor Statistics within 21 days from the date data is mailed to recipient governments each calendar quarter shall result in appropriate adjustments to the payments of recipient governments.

§ 52.26 New units of local government.

New units of local government. A new local government which is reported by the Bureau of the Census to the Director as being an active government, and which otherwise qualifies for payment, shall be eligible for a payment for the next succeeding calendar quarter in which payments are made after its activation date. If such local government is a successor government, it shall be eligible to receive the payment of the local government to which it succeeded in accordance with the conditions of the suc-

cession. The Director may determine a revenue sharing amount for such government based on the most recent revenue sharing data available. A local government subject to this section shall not receive a payment until a statement of assurances is filed with the Director in accordance with § 52.10 of this part.

§ 52.27 National termination of payments; termination of eligibility.

(a) *National termination of payments.* Notwithstanding the existence of higher State or local rates of unemployment, or the existence of State or local excess unemployment percentages, payments will not be made in any calendar quarter, if—

(1) the average rate of national unemployment during the most recently completed calendar quarter which ended three months before the beginning of such calendar quarter did not exceed six percent, or

(2) the rate of national unemployment for the last month of the most recently completed calendar quarter which ended three months before the beginning of such calendar quarter did not exceed six percent.

(b) *Termination of eligibility.* Notwithstanding the existence of a rate of national unemployment in excess of six percent, payments will not be made to any State, territory or local government for any calendar quarter if—

(1) the average rate of unemployment as assigned or determined by the Secretary of Labor for such government for the most recently completed calendar quarter which ended three months before the beginning of such calendar quarter was less than 4.5 percent; or

(2) the rate of unemployment as assigned or determined by the Secretary of Labor for such government for the last month of the most recently completed calendar quarter which ended three months before the beginning of such calendar quarter did not exceed 4.5 percent.

§ 52.28 Minimum payment.

If the amount of a quarterly allocation to any local government is less than $100 in any calendar quarter, then no amount shall be allocated for such local government for that period and such funds will be reallocated to recipient governments within that quarter pursuant to the Act.

§ 52.29 Waiver of payments; nondelivery.

(a) *Waiver.* Any recipient government may waive a payment provided the chief executive officer, with the consent of the governing body of such government, notifies the Director in writing of its intention to waive and returns the payment to the Director. A waiver shall be effective until revoked pursuant to a written request of the chief executive officer of the recipient government with the consent of the governing body. A new statement of assurances may be required whenever the statement of assurances previously submitted by such government has been invalidated, or is outdated.

(b) *Nondelivery.* A payment which is returned by the U.S. Postal Service to the Office of Revenue Sharing as being nondeliverable because of incorrect address information, or which is unclaimed for any reason, shall be retained by the Director until the payments can be delivered by other means to the recipient government.

§ 52.30 Dissolution of units of local government.

A unit of local government which dissolved, was absorbed or ceased to exist during a calendar quarter in which a payment is received may expend such payments to maintain basic services, provided, (1) the recipient government is in the process of winding-up its governmental affairs, and (2) continues to provide basic services during this winding-up period. When these two conditions are not met by a recipient government, the payments must be transferred to the successor local government with capacity to accept and use such payments. If the recipient does not know the identity of such successor government, the payment shall be returned to the Director.

Subpart D—Expenditure Prohibitions and Restrictions

§ 52.40 Definitions.

As used in this part, the term:

(a) "Basic service" means an expenditure which may reasonably be classified under one of the following categories: Education, Highways, Public Welfare, Health and Hospitals, Police and Corrections, Fire Protection, Sewage and Sanitation, Natural Resources, Housing and Urban Renewal, Transportation, Libraries, Financial Administration, General Administration, General Public Buildings, Parks and Recreation, and Utilities.

(b) "Customarily provided" means a basic service has been provided by the Federal government, or a State, territorial or local government to persons under the jurisdiction of the recipient government during the current or preceeding fiscal year (of the recipient government) in which a payment is received by such recipient government.

(c) "Normal supplies" means those commodities that meets one or more of the following conditions:

(1) It is consumed when used; or

(2) It has a per unit purchase price of $1000 or less; or

(3) It has an estimated useful life, in the reasonable discretion of the recipient government, of less than one year; or

(4) It is expendable, that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to replace it with an entirely new unit rather than repair it; or

(5) It loses its original shape or appearance with use.

Normal supplies include, but are not limited to, office supplies, repair and maintenance supplies, operating supplies (such as fuel) and small tools.

(d) "Repairs" means expenditures made for the purpose of maintaining a structure or other capital asset in ordinary efficient operating condition, but that does not substantially add to the utility of the structure or asset, appreciably prolong its useful life or adapt it for a substantially different use.

§ 52.41 Permissible expenditures.

(a) *In general.* Payments shall be obligated, appropriated and expended for the maintenance of levels of employment and basic services which have been customarily provided. Payments shall be used for the acquisition of supplies or materials or construction only to the extent that such expenditures are for normal supplies or repairs which, in the reasonable discretion of the recipient government, are necessary to maintain basic services. Payments may not be used for new construction or renovations which are not repairs or for supplies or equipment (including those used for repairs) which are not normal supplies, as these terms are defined in § 52.40 of this subpart. New programs may be initiated with payments, provided such programs are for a basic service which has been customarily provided.

(b) *Repayment of debt.* Payments may be used to pay the principal or interest on debt obligations of a recipient government, regardless of the date the debt was incurred, provided the proceeds of the indebtedness were expended in accordance with this part. For example, payments shall not be used for principal or interest charges on a debt incurred by a recipient government to finance a construction project.

(c) *Personnel expenses.* Payments may be expended for costs incurred on behalf of personnel employed in the maintenance of basic services. This includes but is not limited to the salary (and increases thereof), fringe benefits, social security payments, and retirement system contributions which a recipient government is obligated to finance for employees engaged in the delivery of basic services.

§ 52.42 Wage rates and labor standards.

(a) *Laborers and mechanics.* All laborers and mechanics employed by contractors on all repair projects, including painting and decorating, costing in excess of $2000 and funded in whole or in part with payments shall be paid wages at rates not less than those prevailing on projects of a character similar to the contract work in the locality as determined by the Secretary of Labor an accordance with the Davis-Bacon Act (40 U.S.C. 276(a), 276(a–5)); and are covered by labor standards specified by the Secretary of Labor pursuant to 29 CFR Parts 1, 3, 5 and 7. The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 F.R. 3176) and § 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276(c)).

(b) *Requests for wage determinations.* In situations where the Davis-Bacon Act standards are applicable in accordance

with paragraph (a) of this section, the recipient government must ascertain the U.S. Department of Labor wage rate determination for each intended construction project and insure that the wage rates and the contract clauses required by 29 CFR 5.5 and 29 CFR 5(a.3) are incorporated in the contract specifications. The recipient government must also satisfy itself that the bidder is aware of his labor standard responsibilities under the Davis-Bacon Act. Wage rate determinations may be obtained by filing a standard Form 308 with the Employment Standards Administration of the applicable regional office of the United States Department of Labor at least 30 days before the invitation for bids, or in the case of projects covered by general wage rate determinations, the appropriate wage rate may be obtained from the FEDERAL REGISTER.

(c) *Access to sources of information.* Each recipient government shall permit access by authorized representatives of the Director, the Secretary of Labor, the Comptroller General, and Department of Justice during normal business hours to its facilities, books, records, accounts, personnel, and other sources of information as may be relevant to a determination of whether the recipient government is complying with this section. Where any information required of a recipient government is in the exclusive possession of any other agency, institution, or person; and such agency, institution, or person, fails or refuses to furnish such information, the recipient government shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Compliance reports.* Each recipient government shall keep such records and submit on request of the Director timely, complete and accurate compliance reports at such times, in such form, and containing such information as the Director may determine to be necessary or useful to ascertain whether the recipient government has complied or is complying with this section.

§ 52.43 Applicability of State, territorial and local law.

(a) *In general.* Each recipient government shall spend payments for basic services in accordance with the State, territorial or local laws and procedures applicable to the expenditure of its own source revenues. Payments shall be expended only for purposes which the recipient government may finance with its own source revenues. Payments shall be appropriated and obligated pursuant to the budgetary process applicable to its own source revenues. Therefore, the recipient government shall provide for the expenditure of payments not solely by the executive, but also by the legislative branch, if that is the budgetary process used by the recipient government to provide for expenditure of its own source revenues.

(b) *Waiver.* The requirements of paragraph (a) of this section may be waived temporarily by the Director, upon determination that it is not possible for the recipient government to comply with the budgetary process applicable to the expenditure of its own source revenues within the six month appropriation or obligation time limitation set forth in § 52.44 of this part. The Director may grant such a waiver only when the chief executive officer of the recipient government has submitted a written request for a waiver to the Director at least 30 days prior to the last date for obligating or appropriating payments in accordance with § 52.44 of this part. Such request must set forth:

(1) The facts and circumstances which would make compliance with both the requirements of paragraph (a) of this section and § 52.44 not possible;

(2) An explanation of the alternative budgetary process which would be utilized for the payment if the waiver is granted. The alternative budgetary process shall be modeled to the maximum extent on the process applicable to the recipient government's own source revenues, and shall be developed by the chief executive officer.

(3) An assurance that the recipient government has published, unless a waiver of this publication requirement is approved in accordance with § 52.11(d) of this part, a public notice of this waiver required in a newspaper of general circulation within its geographic area. The newspaper used for such publication shall conform with the requirements in § 52.11 of this part. The notice shall be published not less than 10 calendar days before the waiver request is mailed to the Director, and shall state the following:

(i) The requirements of paragraph (a) of this section and § 52.44;

(ii) The legal or practical circumstances that prevent the recipient government from complying with such requirements;

(iii) That the chief executive officer of the recipient government intends to request the Director of the Office of Revenue Sharing to waive the requirement that payments must be spent in accordance with the budgetary procedures applicable to the expenditure of such government's own source revenues within six months of the day after receipt, as required by paragraph (a) of this section, and § 52.44;

(iv) The alternative budgetary process which would be utilized if the Director grants requested the waiver for the appropriation or obligation of the payments; and

(v) That interested persons are encouraged to provide written comments on this waiver request to the chief executive officer of the recipient government and the Director of the Office of Revenue Sharing. The address of the Office of Revenue Sharing shall also be stated in the public notice.

§ 52.44 Expenditure time limitation.

Each recipient government shall appropriate or obligate payments for basic services before the end of the six-month period which begins the day following receipt of a payment.

§ 52.45 Applicability of other Federal laws.

Except as otherwise provided in the Act or this part, payments are not subject to Federal civil laws applicable only to Federally assisted programs or to Federal grants, loans or contracts. The Criminal Code of the United States (title 18, U.S.C.) shall be applicable to all criminal offenses relating to the expenditure, accounting or reporting of payments by a recipient government receiving such payments under the Act or this part.

§ 52.46 Interest bearing accounts.

Recipient governments may temporarily deposit their payments in interest bearing accounts. Where payments are held in an interest bearing account, the interest earned on those funds is subject to the expenditure restrictions and prohibitions of the Act and this part.

Subpart E—Nondiscrimination by Recipient Governments

§ 52.60 Purpose.

The purpose of this subpart is to implement § 207 of the Act which provides that no person in the United States shall, on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a State, territorial or local government, which government receives payments. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in § 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity. Any prohibition against discrimination on the basis of religion, or any exemption from such prohibition, as provided in the Civil Rights Act of 1964 or Title VIII of the Act of April 11, 1968, commonly referred to as the Civil Rights Act of 1968, shall also apply to any such program or activity.

§ 52.61 Incorporation of general revenue sharing nondiscrimination regulations.

The nondiscrimination provisions of § 207 of the Act are substantively identical to the corresponding nondiscrimination requirements in §§ 122, 124, and 125 of the Revenue Sharing Act. Therefore, the regulations promulgated in 31 CFR Part 51, subpart E, by the Director pursuant to the Revenue Sharing Act are hereby incorporated by reference into this subpart and shall apply to payments to recipient governments.

Subpart F—Fiscal Procedures and Auditing

§ 52.80 Procedures applicable to the use of payments.

A recipient government which receives payments under the Act shall:

(a) Provide for the expenditure of payments in accordance with § 52.43 of this part.

(b) Maintain its fiscal accounts in a manner sufficient to:

(1) Permit the reports required by the Director to be prepared therefrom, and

(2) Permit the tracing of payments to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of this part. Tracing of payments requires that vouchers in support of expenditures funded by the Act shall be identified. Such tracing of payments can be made by one of the following three means:

(i) Maintain a separate set of fund accounts;

(ii) Maintain a separate bank account; or

(iii) Keep a memorandum record of the voucher numbers and amounts for the expenditures funded by payments.

(c) Account for payments using at a minimum the same fiscal accounting and internal audit procedures as are used by the recipient government for expenditures from its own source revenues.

(d) Provide to the Director and to the Comptroller General of the United States, on reasonable notice, access to and the right to examine such books, documents, papers or records as the Director may reasonably require for the purpose of reviewing compliance with the Act and the regulations of this part or, in the case of the Comptroller General, as the Comptroller General may reasonably require for the purpose of reviewing compliance and operations under the Act.

§ 52.81 Auditing and evaluation.

(a) *In general.* The Director shall provide for such auditing and evaluation as may be necessary to insure that recipient governments comply with the Act and the regulations of this part. Audits, reviews and evaluations made under this section shall be conducted in a manner which is consistent with procedures required of recipients of revenue sharing entitlements by regulations in 31 CFR Part 51, subpart F, published pursuant to the Revenue Sharing Act.

(b) *Audits required.* Payments shall be included as a part of any independent audit of a State or local government in accordance with generally accepted auditing standards as required under the Revenue Sharing Act pursuant to regulations set forth in 31 CFR Part 51, subpart F.

§ 52.82 Scope of audits.

(a) *In general.* The scope of each audit required under § 52.81(b) of this part shall be of the same financial type as provided by revenue sharing audit regulations (31 CFR Part 51, subpart F). There shall also be included a compliance type audit as described in "The Standards for Audit of Governmental Organizations, Programs, Activities & Functions", issued in 1972 by the Comptroller General of the United States, and as described further in audit guides published by the Office of Revenue Sharing.

§ 52.83 Retention of audit workpapers.

Audit workpapers and related audit reports shall be retained for three years after the issuance of the audit report, and shall be available upon request to the Director and the Comptroller General or to their representatives.

§ 52.84 Requirement to submit audit reports.

The Director may, upon request, require the chief executive officer of a recipient government to submit a copy of its audit reports.

Subpart G—Proceedings for Reduction in Payments, Withholding or Repayment

§ 52.100 Incorporation of hearing procedures.

The regulations appearing in 31 CFR Part 51, subpart G, §§ 51.200–51.225, governing procedure and practice requirements for reasonable notice and opportunity for a hearing, are hereby incorporated by reference into this subpart to the extent they are consistent with the Act.

[FR Doc.77-27804 Filed 9-22-77;8:45 am]

federal register

FRIDAY, SEPTEMBER 23, 1977

PART VII



DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[15 CFR Part 369]

RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

AGENCY: Domestic and International Business Administration, Department of Commerce.

ACTION: Proposed rulemaking.

SUMMARY: The agency proposes to amend the Restrictive Trade Practices or Boycotts part of the Export Administration Regulations (Part 369, Title 15, Code of Federal Regulations). The proposed changes are being made to implement Title II of the Export Administration Amendments of 1977 (Pub. L. 95–52), signed into law on June 22, 1977. In general, these proposed regulations prohibit United States persons from complying with most foreign boycott requirements, including the furnishing of boycott-related information.

DATES: Comments must be received by the Department before noon, November 21, 1977.

ADDRESSES: Written comments (six copies when possible) should be sent to: U.S. Department of Commerce, Post Office Box 320, Benjamin Franklin Station, Washington, D.C. 20044.

ORAL COMMUNICATIONS

Oral communications or requests for further information should be directed to: Stanley J. Marcuss, Deputy Assistant Secretary for Domestic Commerce, 202–377–5491, or Kent N. Knowles, Acting Assistant General Counsel for Domestic and International Business, 202–377–5301.

SUPPLEMENTARY INFORMATION: The promulgation of these boycott regulations is exempt from Administrative Procedure Act rulemaking procedures. However, because of the importance and complexity of the issues, the Department continues to invite public participation in their development. All persons who desire to comment are encouraged to do so at the earliest possible time so as to permit the fullest consideration of their views. Comments may take the form of proposed regulatory language, narrative discussion, hypothetical case situations, or any other appropriate format.

These proposed regulations are issued pursuant to Title II (entitled "Foreign Boycotts") of the Export Administration Amendments of 1977 (Pub. L. 95–52), which provides in relevant part that "[r]ules and regulations pursuant to this subsection (section 4A(a) of the Export Administration Act of 1969, as amended by Pub. L. 95–52) shall be issued not later than 90 days after the date of enactment of this section and shall be issued in final form and become effective not later than 120 days after they are first issued." The Department expects to issue final regulations, after taking into consideration the comments received before the close of the comment period, shortly before the expiration of the statutory 120-day period following the date of issuance of the proposed regulations (i.e., January 19, 1978).

The comment period for submission of comments on these proposed regulations will close at noon, November 21, 1977. Comments (whether written or oral) received by the Department after July 13, 1977, the publication date of the Department's original notice of proposed rulemaking in this matter (42 FR 36007), will be considered in the development of these regulations. However, no comments received after the close of the comment period will be accepted or considered by the Department.

Written public comments which are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the regulations.

All public comments to be considered in the development of these boycott regulations will be a matter of public record and will be available for public inspection and copying. This procedure shall not, however, apply to communications from agencies of the United States or foreign governments. In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, the Department official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments as well as the person on whose behalf they purport to be made. All such memoranda will also be a matter of public record and will be available for public review and copying.

The public record concerning these boycott regulations will be maintained in the Domestic and International Business Administration, Freedom of Information Records Inspection Facility, Room 3012 Main Building, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information regarding the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, the Domestic and International Business Administration Freedom of Information Officer, at the above address or by calling 202–377–3031.

Additional regulations will be promulgated as necessary to implement other provisions of the Export Administration Act of 1969, as amended by Pub. L. 95–52. Regulations setting forth procedures for imposing administrative sanctions in accordance with the provisions of section 6(c)(2)(B) will be issued at a later date. Regulations dealing with the increased penalties for violations under the Export Administration Act of 1969, and with the public availability of charging letters or other documents initiating administrative proceedings for the imposition of penalties, will also be issued at a later date.

Advisory opinions will be issued by the Department, in accordance with procedures to be established, in order to give guidance on the application of this Part in particular circumstances. New regulations will also be issued on the reporting requirements under the Export Administration Act of 1969, as amended by Pub. L. 95–52. Comments on both matters are solicited.

NOTE.—The Department has reviewed this proposal pursuant to Executive Order 11821, OMB Circular A–107, and Department Administrative Order 218–6. The proposal has been determined to have no major inflationary impact.

In consideration of the foregoing, Part 369 of Title 15 of the Code of Federal Regulations is proposed to be revised as set forth below.

The relevant provisions of the Export Administration Act of 1969, as amended by Pub. L. 95–52, are set forth below for the convenience of interested persons.

Issued in Washington, D.C., on September 20, 1977.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for Domestic Commerce.

PROVISIONS OF THE EXPORT ADMINISTRATION ACT OF 1969, AS AMENDED[1] RELATING TO FOREIGN BOYCOTTS

AN ACT

To provide for continuation of authority for regulation of exports

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited as the "Export Administration Act of 1969."

* * * * *

DECLARATION OF POLICY

SEC. 3. The Congress makes the following declarations:

* * * * *

(5) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States *or against any United States person, (B) to encourage and, in specified cases, to require United States persons engaged in the export of articles, materials, supplies, or information to refuse to take actions, including furnishing information or entering into or implementing agreements, which have the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against a country friendly to the United States or against any United States person,* (C) to foster international coopera-

[1] Portions of the Act appearing in italic letters indicate the amendments made by Pub. L. 95–52, "Export Administration Amendments of 1977." One foreign boycott-related provision of Pub. L. 95–52 does not amend the Act. It appears in italics separately at the end of this appendix.

tion and the development of international rules and institutions to assure reasonable access to world supplies.

* * * * *

AUTHORITY

SEC. 4. (a) (1) * * *

* * * * *

(b) (1) To effectuate the policies set forth in section 3 of this Act, the President may prohibit or curtail the exportation from the United States, its territories and possessions, of any articles, materials, or supplies, including technical data or any other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, these rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. * * *

* * * * *

FOREIGN BOYCOTTS

SEC. 4A. (a) (1) For the purpose of implementing the policies set forth in section 3(5) (A) and (B), the President shall issue rules and regulations prohibiting any United States person, with respect to his activities in the interstate or foreign commerce of the United States, from taking or knowingly agreeing to take any of the following actions with intent to comply with, further, or support any boycott fostered or imposed by a foreign country against a country which is friendly to the United States and which is not itself the object of any form of boycott pursuant to United States law or regulation:

[PROHIBITIONS]

[*Refusals to do Business*]

(A) Refusing, or requiring any other person to refuse, to do business with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, pursuant to an agreement with, a requirement of, or a request from or on behalf of the boycotting country. The mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person, does not indicate the existence of the intent required to establish a violation of rules and regulations issued to carry out this subparagraph.

[*Discrimination*]

(B) Refusing, or requiring any other person to refuse, to employ or otherwise discriminating against any United States person on the basis of race, religion, sex, or national origin of that person or of any owner, officer, director, or employee of such person.

[*Discriminatory Information*]

(C) Furnishing information with respect to the race, religion, sex, or national origin of any United States person or of any owner, officer, director, or employee of such person.

[*Boycott Information*]

(D) Furnishing information about whether any person has, has had, or proposes to have any business relationship (including a relationship by way of sale, purchase, legal or commercial representation, shipping or other transport, insurance, investment, or supply) with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with any national or resident of the boycotted country, or with any other person which is known or believed to be restricted from having any business relationship with or in the boycotting country. Nothing in this paragraph shall prohibit the furnishing of normal business information in a commercial context as defined by the Secretary of Commerce.

[*Charitable Organization Information*]

(E) Furnishing information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports the boycotted country.

[*Letters of Credit*]

(F) Paying, honoring, confirming, or otherwise implementing a letter of credit which contains any condition or requirement compliance with which is prohibited by rules and regulations issued pursuant to this paragraph, and no United States person shall, as a result of the application of this paragraph, be obligated to pay or otherwise honor or implement such letter of credit.

(2) Rules and regulations issued pursuant to paragraph (1) shall provide exceptions for—

[EXCEPTIONS]

[*Import Requirements*]

(A) complying or agreeing to comply with requirements (i) prohibiting the import of good or services from the boycotted country or goods produced or services provided by any business concern organized under the laws of the boycotted country or by nationals or residents of the boycotted country, or (ii) prohibiting the shipment of goods to the boycotting country on a carrier of the boycotted country, or by a route other than that prescribed by the boycotting country or the recipient of the shipment;

[*Import Document Requirements*]

(B) complying or agreeing to comply with import and shipping document requirements with respect to the country of origin, the name of the carrier and route of shipment the name of the supplier of the shipment or the name of the provider of other services, except that no information knowingly furnished or conveyed in response to such requirements may be stated in negative, blacklisting, or similar exclusionary terms after the expiration of 1 year following the date of enactment of the Export Administration Amendments of 1977 other than with respect to carriers or route of shipment as may be permitted by such rules and regulations in order to comply with precautionary requirements protecting against war risks and confiscation;

[*Unilateral Selection*]

(C) complying or agreeing to comply in the normal course of business with the unilateral and specific selection by a boycotting country, or national or resident thereof, of carriers, insurers, suppliers of services to be performed within the boycotting country or specific goods which, in the normal course of business, are identifiable by source when imported into the boycotting country;

[*Export Requirements*]

(D) complying or agreeing to comply with export requirements of the boycotting country relating to shipments or transshipments of exports to the boycotted country, to any business concern of or organized under the laws of the boycotted country, or to any national or resident of the boycotted country;

[*Immigration Requirements*]

(E) compliance by an individual or agreement by an individual to comply with the immigration or passport requirements of any country with respect to such individual or any member of such individual's family or with requests for information regarding requirements of employment of such individual within the boycott country; and

[*Local Law*]

(F) compliance by a United States person resident in a foreign country or agreement by such person to comply with the laws of that country with respect to his activities exclusively therein, and such rules and regulations may contain exceptions for such resident complying with the laws or regulations of that foreign country governing imports into such country of trademarked, tradenamed, or similarly specifically identifiable products or components of products for his own use, including the performance of contractual services within that country, as may be defined by such rules and regulations.

(3) Rules and regulations issued pursuant to paragraphs (2)(C) and (2)(F) shall not provide exceptions from paragraphs (1)(B) and (1)(C).

(4) Nothing in this subsection may be construed to supersede or limit the operation of the antitrust or civil rights laws of the United States.

[*Regulations and Grace Period*]

(5) Rules and regulations pursuant to this subsection shall be issued not later than 90 days after the date of enactment of this section and shall be issued in final form and become effective not later than 120 days after they are first issued, except that (A) rules and regulations prohibiting negative certification may take effect not later than 1 year after the date of enactment of this section, and (B) a grace period shall be provided for the application of the rules and regulations issued pursuant to this subsection to actions taken pursuant to a written contract or other agreement entered into on or before May 16, 1977. Such grace period shall end on December 31, 1978, except that the Secretary of Commerce may extend the grace period for not to exceed 1 additional year in any case in which the Secretary finds that good faith efforts are being made to renegotiate the contract or agreement in order to eliminate the provisions which are inconsistent with the rules and regulations issued pursuant to paragraph (1).

[*Evasion*]

(6) This Act shall apply to any transaction or activity undertaken, by or through a United States or other person, with intent to evade the provisions of this Act as implemented by the rules and regulations issued pursuant to this subsection, and such rules and regulations shall expressly provide that the exceptions set forth in paragraph (2) shall not permit activities or agreements (expressed or implied by a course of conduct, including a pattern of responses) otherwise prohibited, which are not within the intent of such exceptions.

[*Other Regulations*]

(b) (1) In addition to the rules and regulations issued pursuant to subsection (a) of this section, rules and regulations issued under section 4(b) of this Act shall implement the policies set forth in section 3(5).

[*Reporting*]

(2) Such rules and regulations shall require that any United States person receiving a request for the furnishing of information, the entering into or implementing of agreements, or the taking of any other action referred to in section 3(5) shall report that fact to the Secretary of Commerce, together with such other information concerning such request as the Secretary may require for such action as he may deem appropriate for carry-

ing out the policies of that section. Such person shall also report to the Secretary of Commerce whether he intends to comply and whether he has complied with such request. Any report filed pursuant to this paragraph after the date of enactment of this section shall be made available promptly for public inspection and copying, except that information regarding the quantity, description, and value of any articles, materials, and supplies, including technical data and other information, to which such report relates may be kept confidential if the Secretary determines that disclosure thereof would place the United States person involved at a competitive disadvantage. The Secretary of Commerce shall periodically transmit summaries of the information contained in such reports to the Secretary of State for such action as the Secretary of State, in consultation with the Secretary of Commerce, may deem appropriate for carrying out the policies set forth in section 3(5) of this Act.

* * * * *

VIOLATIONS

SEC. 6. (a) Except as provided in subsection (b) of this section, whoever knowingly violates any provision of this Act or any regulation, order, or license issued thereunder shall be fined not more than *$25,000* or imprisoned not more than one year, or both. For a second or subsequent offense, the offender shall be fined not more than three times the value of the exports involved or *$50,000*, whichever is greater, or imprisoned not more than five years, or both.

* * * * *

(c)(1) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed *$10,000* for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

(2)(A) The authority of this Act to suspend or revoke the authority of any United States person to export articles, materials, supplies, or technical data or other information, from the United States, its territories or possessions, may be used with respect to any violation of the rules and regulations issued pursuant to section 4A(a) of this Act.

(B) Any administrative sanction (including any civil penalty or any suspension or revocation of authority to export) imposed under this Act for a violation of the rules and regulations issued pursuant to section 4A(a) of this Act may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(C) Any charging letter or other document initiating administrative proceedings for the imposition of sanctions for violations of the rules and regulations issued pursuant to section 4A(a) of this Act shall be made available for public inspection and copying.

(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed. *In addition, the payment of any penalty imposed under subsection (c) may be deferred or suspended in whole or in part for a period of time no longer than any probation period (which may exceed one year) that may be imposed upon such person. Such a deferral or suspension shall not operate as a bar to the collection of the penalty in the event that the conditions of the suspension, deferral, or probation are not fulfilled.*

(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the U.S. Code, no action for the refund of any such penalty may be maintained in any court.

(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

(g) Nothing in subsection (c), (d), or (f) limits

(1) the availability of other administrative or judicial remedies with respect to violations of this Act, or any regulation, order, or license issued under this Act;

(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

(3) the authority to compromise, remit or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

ENFORCEMENT

SEC. 7. (a) To the extent necessary or appropriate to the enforcement of this Act or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949, the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. 46) shall apply with respect to any individual who specifically claims such privilege.

(c) *Except as otherwise provided by the third sentence of section 4A(b)(2) and by section 6(c)(2)(C) of this Act,* no department, agency, or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the head of such department or agency determines that the withholding thereof is contrary to the national interest. *Nothing in this Act shall be construed as authorizing the withholding of information from Congress, and any information obtained under this Act, including any report or license application required under section 4(b), shall be made available upon request to any committee or subcommittee of Congress of appropriate jurisdiction. No such committee or subcommittee shall disclose any information obtained under this Act which is submitted on a confidential basis unless the full committee determines that the withholding thereof is contrary to the national interest.*

* * * * *

EXEMPTION FROM CERTAIN PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 8. *Except as provided in section 6(c)(2),* the functions exercised under this Act are excluded from the operation of sections 551, 553–559, and 701–706, of title 5 U.S. Code.

* * * * *

DEFINITIONS

SEC. 11. As used in this Act—

(1) the term "person includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof; and

(2) the term "United States person" means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern) and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

* * * * *

TERMINATION DATE

SEC. 15. The authority granted by this Act terminated on *September 30, 1979,* or upon any prior date which the Congress by concurrent resolution or the President by proclamation may designate.

The following boycott-related provision of Pub. L. 95–52 is not an amendment to the Export Administration Act of 1969, as amended:

PREEMPTION

SEC. 205. *The amendments made by this title*[3] *and the rules and regulations issued pursuant thereto shall preempt any law, rule, or regulation of any of the several States or the District of Columbia, and of the territories or possessions of the United States, or of any governmental subdivision thereof, which law, rule, or regulation pertains to participation in, compliance with, implementation of, or the furnishing of information regarding restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries.*

[3] Title II of Pub. L. 95–52.

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PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Sec.
369.1 Definitions.
369.2 Prohibitions.
369.3 Exceptions to prohibitions.
369.4 Evasion.
369.5 Grace period.

AUTHORITY: Title II (entitled "Foreign Boycotts"), Export Administration Amendments of 1977 (Pub. L. 95-52).

§ 369.1 Definitions.

(a) *Definition of "person."* (1) For purposes of this part, the term "person" means any individual, or any association or organization, public or private, which is organized, permanently established, resident, or registered to do business, in the United States or any foreign country. This definition includes both the singular and plural, and includes:

(i) Any partnership, corporation, company, branch, or other form of association or organization, whether organized for profit-making or not-for-profit purposes;

(ii) Any government, or any department, agency, or commission of any government;

(iii) Any trade association, chamber of commerce, or labor union;

(iv) Any charitable or fraternal organization; or

(v) Any other association or organization not specifically listed above.

(b) *Definition of "United States person".* (1) This Part 369 applies to United States persons. For purposes of this part, the term "United States person" means any person who is a United States resident or national, including individuals, associations, or organizations. This definition includes both the singular and plural, and includes:

(i) The government of the United States or any department, agency, or commission thereof;

(ii) The government of any state of the United States, of the District of Columbia, of the Commonwealth of Puerto Rico, of any territory or possession of the United States, or of any subdivision, department, agency, or commission of any such government;

(iii) Any partnership, corporation, company, or other form of association organized under the laws of subdivision (i) or (ii) of this subparagraph;

(iv) Any partnership, corporation, company, or other form of association, including any permanent United States establishment of a foreign concern, which is licensed or registered to do business, or is doing business, in any state of the United States, in the District of Columbia, in the Commonwealth of Puerto Rico, or in any territory or possession of the United States; and

(v) Any foreign subsidiary, affiliate, branch office, or permanent foreign establishment of any United States person which is controlled in fact by the parent or affiliated United States person or by the United States headquarters office.

The term "United States person" does not include any individual resident outside the United States employed by other than a United States person.

EXAMPLES OF "UNITED STATES PERSON"

The following examples are intended to give guidance in determining whether an association or organization falls within the definition of "United States person." They are illustrative, not comprehensive.

(i) U.S. bank A has a branch office in foreign country P.

Such branch office is a United States person, because it is a permanent foreign establishment of a United States person.

(ii) A, a foreign corporation, has opened a manufacturing plant in New York, after having registered to do business in that state.

A's New York plant is a United States person, because it is a permanent U.S. establishment of a foreign concern.

(iii) A, an individual who is resident in a foreign country, makes occasional visits to the United States, for purposes of exploring business opportunities.

A is not a United States person, because he is not part of a permanent U.S. establishment of a foreign concern.

(iv) A is an association of U.S. firms organized under the laws of Pennsylvania for the purpose of expanding trade.

A is a United States person, because it is an association doing business in the United States.

(c) *Definition of "controlled in fact".* (1) This part 369 applies to any foreign subsidiary or affiliate (including any permanent foreign establishment) of any United States person which is controlled in fact by such United States person.

(2) A foreign subsidiary or affiliate of a United States person will be deemed to be controlled in fact by that United States person when:

(i) More than 50 percent of the outstanding voting securities of the foreign subsdiiary or affiliate are owned beneficially or controlled by the parent or affiliated United States person or by a common United States shareholder, whether such ownership or control is held directly or indirectly;

(ii) The foreign subsidiary or affiliate is managed by the parent or affiliated United States person pursuant to the provisions of an exclusive management contract; or

(iii) A majority of the members of the board of directors of the foreign subsidiary or affiliate are also members of the comparable governing body of the parent or affiliated United States person.

(3) A foreign branch office or other permanent foreign establishment of a United States person is deemed to be controlled in fact by that United States person.

(4) A foreign subsidiary or affiliate of a United States person will be presumed to be controlled in fact by that United States person, subject to rebuttal by competent evidence, when either one of the following conditions are met:

(i) More than 25 percent of the outstanding voting securities of the foreign subsidiary or affiliate are owned beneficially or controlled by the parent or affiliated United States person or by a common United States shareholder, whether such ownership or control is held directly or indirectly; or

(ii) The parent or affiliated United States person has authority to appoint the majority of the members of the board of directors and the chief operating officer of the foreign subsidiary or affiliate.

(5) A brokerage firm which holds simple record ownership of securities for the convenience of clients will not be deemed to control the securities. A United States person who owns, directly or indirectly, securities that are immediately convertible at the option of the holder or owner into voting securities will be deemed to own or control voting securities.

EXAMPLES OF "CONTROLLED IN FACT"

The following examples are intended to give guidance in determining whether the foreign subsidiary or affiliate of a United States person is "controlled in fact." They are illustrative, not comprehensive.

(i) Company A is incorporated in a foreign country. Fifty-one percent of the voting stock of A is owned by U.S. company B.

A is deemed to be controlled in fact by B.

(ii) Company A is incorporated in a foreign country. Ten percent of the voting stock of A is owned by U.S. company B. A has an exclusive management contract with B.

As long as such contract is in effect, A is deemed to be controlled in fact by B.

(iii) Company A is incorporated in a foreign country. Ten percent of the voting stock of A is owned by U.S. company B. A has 10 persons on its board of directors. Six of those persons are also members of the board of directors of U.S. company B.

A is deemed to be controlled in fact by B.

(iv) Company A is incorporated in a foreign country. Thirty percent of the voting stock of A is owned by U.S. company B.

A is presumed to be controlled in fact by B. This presumption may be rebutted by evidence showing that control does not, in fact, lie with B.

(v) Company A is incorporated in a foreign country. In A's articles of incorporation, U.S. company B has been given authority to appoint A's board of Directors and chief operating officer.

A is presumed to be controlled in fact by B. This presumption may be rebutted by evidence showing that control does not, in fact, lie with B.

(vi) Company A is a joint venture with equal participation by U.S. company B and foreign company C.

A is presumed to be controlled in fact by B. This presumption may be rebutted by evidence showing that control does not, in fact, lie with B.

(vii) U.S. bank B located in the United States has a branch office, A, in a foreign country.

A, the branch office, is deemed to be controlled in fact by B, because it is a permanant foreign establishment of a U.S. person.

(viii) A is incorporated in a foreign country. Fifty-one percent of the voting stock of A is owned by B, which is incorporated in another foreign country. Fifty-one percent of the voting stock of B is owned by C, a U.S. company.

Both A and B are deemed to be controlled in fact by C.

(d) *Definition of "Activities in the Interstate or Foreign Commerce of the United States" Activities Involving United States Persons in the United States.* (1) For purposes of this part, the activities of a United States person lo-

cated in the United States are in the interstate or foreign commerce of the United States if they involve the sale, purchase, or transfer of goods or services (including information) between:

(i) Two or more of the several States (including the District of Columbia);

(ii) Any State (including the District of Columbia) and any territory or possession of the United States;

(iii) Two or more of the territories or possessions of the United States; or

(iv) A State (including the District of Columbia), territory or possession of the United States and any foreign country.

(2) For purposes of this definition, the export of goods or services from the United States, the import of goods or services into the United States, and the action of a United States person resident in the United States in specifically directing the activities of a foreign subsidiary, affiliate, or branch office which is controlled in fact by a United States person, are activities in United States commerce.

(3) Activities of a United States person located in the United States may be in United States commerce even if they are part of or ancillary to activities outside of United States commerce. However, the fact that such an ancillary activity is in United States commerce does not in and of itself mean that the underlying or related activity is in United States commerce.

(4) Hence, the action of a United States bank in providing financing for a foreign transaction that is not in United States commerce is nonetheless itself in United States commerce. The fact that the financing is in United States commerce does not, however, make the underlying foreign transaction an activity in United States commerce, even if the underlying transaction involves a foreign company that is a "United States person" within the meaning of this part.

(5) Activities of "Controlled in Fact" Foreign Subsidiaries, Affiliates, and Branch Offices. Any transaction between a "controlled in fact" foreign subsidiary, affiliate, or branch office of a United States person and a person in the United States is an activity in United States commerce. Whether a transaction between a foreign subsidiary, affiliate, or branch office of a United States person and a non-United States person is an activity in United States commerce depends upon the circumstances of the transaction. A transaction between a foreign subsidiary, affiliate, or branch office and a non-United States person outside the United States which does not involve the purchase, sale, or transfer of goods or services (including information) to or from a person in the United States is not an activity in United States commerce. A foreign subsidiary, affiliate, or branch office's subsequent activities with respect to goods or services (including information) acquired from a person in the United States are in United States commerce under any of the following circumstances:

(i) If action taken by the foreign subsidiary, affiliate, or branch office in connection with a particular transaction was at the specific direction of that entity's United States parent, affiliate, or headquarters office;

(ii) If the goods or services were acquired for the purpose of filling an order from a person in a boycotting country;

(iii) If the goods or services were acquired for incorporation into or manufacture of another product for the purpose of filling an order from a person in a boycotting country;

(iv) If the goods or services were acquired for the purpose of fulfilling or engaging in any other transaction with a person in a boycotting country; or

(v) If the goods were acquired from a United States person and are ultimately used, without substantial alteration or modification, in filling an order from a person in a boycotting country (whether or not the goods were originally acquired for that purpose and whether or not they are indistinguishable as to origin from similar foreign origin goods with which they have been mingled in a stockpile or inventory).

(6) If any part of a transaction is in United States commerce, the entire transaction is in United States commerce. For example, if a foreign subsidiary, affiliate, or branch office is engaged in a transaction that involves the acquisition or transfer of goods or services (including information) both from within and without the United States, the entire transaction is an activity in United States commerce with respect to the foreign subsidiary, affiliate, or branch office.

(7) A foreign subsidiary, affiliate, or branch office's subsequent activities with respect to goods or services (including information) acquired from a person in the United States are not in United States commerce where:

(i) The goods were acquired from a person in the United States without reference to a specific order from or transaction with a person in a boycotting country; and

(ii) The goods were further manufactured or incorporated into another product.

(8) However, the original acquisition of the goods or services from a person in the United States is an activity in United States commerce subject to this part. Thus, if a United States person resident outside the United States engages in an illegal refusal to do business in stocking his inventory, that action is subject to this part whether or not subsequent sales of the end-product are.

(9) In all of the above, goods or services will be considered to have been acquired from a person in the United States whether they were acquired directly or indirectly through a third party.

LETTERS OF CREDIT

Implementation of a letter of credit by a United States person is in United States commerce when the transaction to which it relates is in United States commerce or when the beneficiary is a United States person. Implementation of a letter of credit by a United States person located in the United States, including a permanent United States establishment of a foreign bank, is an activity in United States commerce.

Implementation of a letter of credit by a United States bank's foreign branch or foreign subsidiary will be presumed to be in United States commerce where the letter of credit (a) specifies a United States address for the beneficiary, (b) calls for documents indicating shipment from the United States, or (c) calls for documents indicating that the goods are of United States origin. The presumption may be rebutted by facts which could reasonably lead the bank to conclude that the beneficiary is not a United States person or that the underlying transaction is not in United States commerce.

Where the letter of credit implemented by a United States bank's foreign branch or foreign subsidiary does not (a) specify a United States address for the beneficiary, (b) call for documents indicating shipment from the United States, or (c) call for documents indicating that the goods are of United States origin, its implementation will be presumed to be outside of United States commerce. This presumption may be rebutted by facts which could reasonably lead the bank to conclude that the beneficiary is a United States person or that the underlying transaction is in United States commerce.

EXAMPLES OF ACTIVITIES IN THE INTERSTATE OR FOREIGN COMMERCE OF THE UNITED STATES

The following examples are intended to give guidance in determining whether an activity is in the interstate or foreign commerce of the United States. They are illustrative, not comprehensive.

UNITED STATES PERSON IN THE UNITED STATES

(i) U.S. company A exports goods from the United tSates to a foreign country.

A's activity is in U.S. commerce, because A is exporting goods from the United States.

(ii) U.S. company A imports goods into the United States from a foreign country.

A's activity is in U.S. commerce, because A is importing goods into the United States.

(iii) U.S. engineering company A supplies consulting services to a foreign-owned company located outside the United States.

A's activity is in U.S. commerce, because A is exporting services from the United States.

(iv) U.S. engineering company A supplies consulting services to foreign-owned company B located outside the United States, in connection with B's contract to construct a building in boycotting country Y. B is unrelated to A or any other U.S. person.

A's activity is in U.S. commerce even though B, a foreign-owned company located outside the United States, is not subject to U.S. boycott law, because A is exporting services from the United States.

(v) Same as (iv) except A is a bank located in the United States and provides a construction loan to B.

A's activity is in U.S. commerce even though B is not subject to U.S. boycott law, because A is exporting financing services from the United States.

FOREIGN SUBSIDIARIES OR AFFILIATES OR BRANCH OFFICES

(i) A, a foreign subsidiary of U.S. company B, purchases goods from the United States.

A's purchase of goods from the United States is in U.S. commerce, because A is importing goods from the United States. Whether A's subsequent disposition of these goods is in U.S. commerce is irrelevant. Similarly, the fact that A purchased goods from the United States does not, in and of itself, make any subsequent disposition of those goods an activity in U.S. commerce.

(ii) A, a foreign subsidiary of U.S. company B, receives an order from boycotting country Y for construction materials. A places an order with U.S. company B for the materials.

A's transaction with Y is an activity in U.S. commerce, because the materials are purchased from the United States for the purpose of filling the order from Y.

(iii) A, a foreign subsidiary of U.S. company B, receives an order from boycotting country Y for construction materials. A places an order with U.S. company B for some of the materials, and with U.S. company C, an unrelated company, for the rest of the materials.

A's transaction with Y is an activity in U.S. commerce, because the materials are purchased from the United States for the purpose of filling the order from Y. It makes no difference whether the materials are ordered from B or C.

(iv) A, a foreign subsidiary of U.S. company B, is in the wholesale and retail appliance sales business. A purchases finished air conditioning units from the United States from time to time in order to stock its inventory. A's inventory is also stocked with air conditioning units manufactured outside the United States. A receives an order for air conditioning units from Y, a boycotting country. The order is filled with U.S.-origin units.

A's transaction with Y is in U.S. commerce, because its U.S.-origin goods are resold without substantial alterations.

(v) Same as (iv) except that A is in the chemicals distribution business. Its U.S.-origin goods are mingled in inventory with foreign-origin goods.

A's sales from its general inventory to Y are in U.S. commerce, because its U.S.-origin goods are resold without substantial alteration.

(vi) A, a foreign subsidiary of U.S. company B, receives an order from boycotting country Y for computers. A places an order with U.S. company B for some of the components, with U.S. company C, an unrelated company, for other components, and with foreign company D for the rest of the components. A then assemblies the computers and ships them to Y.

A's transaction with Y is an activity in U.S. commerce, because some of the components are acquired from the United States for purposes of filling an order from Y.

(vii) Same as (vi) except A purchases all the components from non-U.S. sources.

A's transaction wih Y is not an activity in U.S. commerce, because it involves no export of goods from the United States. It makes no difference whether the technology A uses to manufacture computers was originally acquired from its U.S. parent.

(viii) Same as (vii) except B directs A to comply with Y's boycott requirements, including those which conflict with U.S. law.

B's activity in directing A to comply with Y's boycott is an activity in U.S. commerce.

(ix) A, a foreign subsidiary of U.S. company B, manufactures computers. A stocks its general components and parts inventory with purchases made at times from the United States and at times from foreign sources. A receives an order from Y, a boycotting country, for computers. A fills that order from its general stock of finished goods.

A's transaction with Y is not in U.S. commerce, because the U.S.-origin components are not acquired for the purpose of filling any specific order from Y. It is irrelevant that A's operations may be based on U.S.-origin technology.

(x) A, a foreign subsidiary of U.S. company B, is in the general construction business. A enters into a contract with boycotting country Y to construct a power plant in Y. In preparing engineering drawings and specifications, A uses the advice and assistance of B.

A's contract with Y is in U.S. commerce, because B's services are used for purposes of fulfilling the contract with Y.

(xi) A, a foreign subsidiary of U.S. company B, enters into a contract to construct an apartment complex in boycotting country Y. A will fulfill its contract completely with goods and services from outside the United States. B, pursuant to a provision in the contract, puts up a performance bond.

A's transaction with Y is in U.S. commerce, because it involves the export of financial services from the United States for purposes of fulfilling the transaction with Y.

(xii) Same as (xi) except that the performance bond is supplied by C, a non-U.S. person located outside the United States. However, unrelated to any particular transaction, B from time to time provides financial, legal, and technical services to A.

A's transaction with Y is not in U.S. commerce, because the services imported from the United States are not acquired for purposes of fulfilling the contract with Y.

(xiii) A, a foreign subsidiary of U.S. company B, has a contract to conduct oil drilling operations in boycotting country Y. In conducting these operations, A seeks certain technical advice from B from time to time.

A's contract with Y is in U.S. commerce, because B's services are sought for purposes of fulfilling the contract with Y.

(xiv) A, a foreign subsidiary of U.S. company B, enters into a contract to sell typewriters to boycotting country Y. None of the components are acquired from the United States. A engages C, a shipping company located in the United States, to transport the typewriters to boycotting country Y.

A's sales to Y are in U.S. commerce, because C's services are engaged for purposes of filling the order from Y.

(xv) A, a foreign subsidiary of U.S. company B, has general product liability insurance with U.S. company C. Foreign-origin goods sold from time to time by A to boycotting country Y are covered by the insurance policy.

A's sales to Y are not in U.S. commerce, because the insurance provided by C is of general applicability and not acquired for the specific purpose of engaging in transactions with Y.

(xvi) A, a foreign subsidiary of U.S. company B, manufactures automobiles abroad under a license agreement with B. From time to time, A sells such goods to boycotting country Y.

A's sales to Y are not in U.S. commerce, because the rights conveyed by the license are not acquired for the specific purpose of engaging in transactions with Y.

LETTERS OF CREDIT

(i) A, a U.S. bank located in the United States, opens a letter of credit in favor of B, a foreign company located outside the United States.

A's implementation of the letter of credit is in U.S. commerce, because A is a U.S. bank located in the United States.

(ii) A, a branch of a foreign bank located in the United States, opens a letter of credit in favor of B, a foreign company located outside the United States.

A's implementation of the letter of credit is in U.S. commerce, because A is a permanent U.S. establishment of a foreign bank.

(iii) A, a U.S. bank branch located outside the United States, opens a letter of credit in favor of B, a U.S. person located in the United States.

A's implementation of the letter of credit is presumed to be in U.S. commerce, because the letter of credit specifies a U.S. address for the beneficiary.

(iv) A, a U.S. bank branch located outside the United States, opens a letter of credit which specifies a beneficiary with an address outside the United States, but which calls for documents indicating that the goods are of U.S.-origin.

A's implementation of the letter of credit is presumed to be in U.S. commerce, because the letter of credit calls for documents indicating that the goods are of U.S.-origin.

(v) A, a U.S. bank branch located outside the United States, opens a letter of credit which specifies a beneficiary with a U.S. address. The letter of credit calls for documents indicating shipment of foreign-origin goods.

A's implementation of the letter of credit is presumed to be in U.S. commerce. A may rebut the presumption by showing that the beneficiary is not a U.S. person despite the U.S. address.

(vi) A, a U.S. bank branch located outside the United States, opens a letter of credit which specifies a beneficiary with a foreign address and shipment of goods from outside the U.S. The beneficiary, however, is a foreign subsidiary of a U.S. person, and the goods to be shipped include U.S. components ordered by the beneficiary for purposes of assembling the finished product in fulfillment of a specific order from boycotting country Y.

A's implementation of the letter of credit is presumed to be outside U.S. commerce. The presumption may be rebutted by a showing that A knows or has reason to know that the beneficiary is a U.S. person and that the transaction involves purchases of components from the United States to enable the beneficiary to fill the order from Y.

(vii) A, a U.S. bank branch located outside the United States, is asked to honor a letter of credit in favor of company B, a foreign company located outside the United States. The letter of credit requires that the beneficiary certify that the goods shipped were manufactured entirely in foreign country N.

A's implementation of this letter of credit is not in U.S. commerce, because the underlying transaction is not in U.S. commerce and A is not located in the United States.

(e) *Definition of "Intent".* (1) Part 369 prohibits a United States person from taking or knowlingly agreeing to take certain specified actions with intent to comply with, further, or support an unsanctioned foreign boycott.

(2) A United States person will be presumed to have the intent to comply with, further, or support an unsanctioned foreign boycott when such a boycott is a motivating factor in that person's decision whether to take a particular action.

EXAMPLE OF "INTENT"

All available evidence will be examined in determining whether the required intent exists. The following examples are intended to illustrate the factors which will be considered. They are illustrative, not comprehensive.

(i) U.S. person A does business in boycotting country Y. In selecting firms to supply goods for shipment to Y, a chooses supplier B because B's products are less expensive and of higher quality than the comparable products of supplier C. A knows that C is blacklisted, but that is not a motivating factor in its selection of B.

A's choice of B rather than C is not action with intent to comply with Y's boycott, because A's action is not motivated by the fact that C is blacklisted.

(ii) Same as (i), except that A chooses B rather than C in part because C is blacklisted by Y.

Since A's choice is in part motivated by boycott considerations, its action is taken with intent to comply with Y's boycott.

(iii) U.S. person A bids on a tender issued by boycotting country Y. A inadvertently fails to notice a prohibited certification which appears in the tender document. A's bids accepted and a contract which incorporates the prohibited certification is signed by A.

Since A's bid was not motivated by boycott considerations, A's action in bidding was not taken with intent to comply with Y's boycott.

(iv) U.S. bank A, located in the United States, engages in letter of credit transactions involving the shipment of U.S. goods to boycotting country Y. Such letters of credit routinely contain conditions requiring prohibited certifications from the U.S. exporter. A fails to take steps to prevent the implementation of such a letter of credit despite the fact that it knows that the prohibited condition routinely appears, and that with the exercise of reasonable diligence, A could have learned of the prohibited condition in any such letter of credit.

Implementation of such a letter of credit is action taken with intent to comply with Y's boycott, because A knows or should know that its procedures result in compliance with the boycott.

(v) Same as (iv), except that A has initiated procdures to insure that its personnel return letters of credit containing prohibited conditions. One of A's employees fails to adhere to A's procedures, and a letter of credit containing a prohibited condition is implemented..

Implementation of the letter of credit is not action by A with intent to comply with Y's boycott, because the occurrence was accidental and not in compliance with A's procedures.

(vi) Same as (v), except that A's employees repeatedly fail to comply with A's procedures against implementing letters of credit containing prohibited conditions and A fails to take corrective measures.

A's action in implementing letters of credit containing prohibited conditions will be considered action with intent to comply with Y's boycott, because A is presumed to intend the consequences of its failure to take corrective measures.

(vii) A, a U.S. company, is considering opening a manufacturing facility in boycotted country X. A already has such a facility in boycotting country Y. After exploring the possibilities in X, A concludes that the market does not justify the move. A knows that if it did open a plant in X, Y might object because of Y's boycott of X.

A's failure to proceed with the plant in X is not action with intent to comply with Y's boycott, because Y's boycott is not a motivating factor in A's decision.

(vii) Same as (vii) except that after exploring the possibilities in X, A concludes that, while there are reasonable prospects for profit in X, the move is not worth the difficulties it might cause with Y.

Since A's action is motivated in part by its concern about Y's reaction, it is action taken with intent to comply with Y's boycott.

§ 369.2 Prohibitions.

(a) *Refusals to do business.* (1) Prohibition Against Refusals to do Business.

(2) No United States person may:

(i) Refuse,

(ii) Knowingly agree to refuse,

(iii) Require any other person to refuse, or

(iv) Knowingly agree to require any other person to refuse,

(3) To do business:

(i) With or in a boycotted country,

(ii) With any business concern organized under the laws of a boycotted country,

(iii) With any national or resident of a boycotted country, or

(iv) With any other person,

(4) When such refusal is pursuant to:

(i) An agreement with,

(ii) A requirement of, or

(iii) A request from or on behalf of, the boycotting country.

(5) Generally, a refusal to do business under this section consists of action that excludes a person or country from a transaction for boycott reasons. This includes a situation where a United States person chooses or selects one person over another on a boycott basis or takes action to carry out another person's boycott-based selection when he knows or has reason to know that the other person's selection is boycott-based.

(6) Refusals to do business which are prohibited by this section include not only specific refusals, but also refusals implied by a course or pattern of conduct. There need not be a specific offer and refusal to constitute a prohibited refusal to do business; a prohibited refusal may occur when a United States person has a financial or commercial opportunity and declines for boycott reasons to consider or accept it.

(7) A United States person's use of either a boycott-based list of persons with whom he will not deal (a so-called "blacklist") or a boycott-based list of persons with whom he will deal (a so-called "whitelist") constitutes a prohibited refusal to do business. An agreement by a United States person to comply generally with the laws of the boycotting country with which it is doing business or an agreement that local laws of the boycotting country shall apply or govern is not, in and of itself, a refusal to do business. Nor, in and of itself, is use of a contractual clause requiring a person to assume the risk of loss of non-delivery of his products in a boycotting country (the so-called "risk of loss" provision) a refusal to do business with any person who will not or cannot comply with such a clause.

(8) If, for boycott reasons, a United States general manager chooses one supplier over another, or enters into a contract with one supplier over another, or advises its client to do so, then the general manager's actions constitute a refusal to do business under this section. However, it is not a refusal to do business under this section for a United States person to provide management, procurement or other preaward services for another person so long as, in providing such services, the United States person does not act to exclude a person or country from the transaction for boycott reasons. For example, a United States person under contract to provide general management services in connection with a construction project in a boycotting country may compile lists of qualified bidders for the client so long as no blacklisted persons who are qualified are excluded from that list. With respect to post-award services, if the client has made a boycott-based selection, actions taken by the general manager or contractor to carry out the client's choice are themselves prohibited refusals to deal where the manager knows or has reason to know that the client's choice was boycott-based. Such actions include entering into a contract with the selected supplier, notifying the supplier of the client's choice, executing a contract on behalf of the client, arranging for inspection and shipment of the supplier's goods, or taking any other action to carry out the client's choice.

(9) An agreement is not a prerequisite to a violation of this section since the prohibition extends to actions taken pursuant not only to agreements but also to requirements of, and requests from or on behalf of, a boycotting country.

(10) Agreements under this section may be either express or implied by a course or pattern of conduct. There need not be a direct request from a boycotting country for action by a United States person to have been taken pursuant to an agreement with or requirement of a boycotting country.

(11) This prohibition, like all others, applies only with respect to a United States person's activities in the interstate or foreign commerce of the Unittd States, and when such activities are undertaken with intent to comply with, further, or support an unsanctioned foreign boycott. This intent is not established by the mere absence of a business relationship with or in the boycotted country, with any business concern organized under the laws of the boycotted country, with national(s) or resident(s) of the boycotted country, or any any other person. However, where the requisite intent does exist and a prohibited action is taken, a violation of this section occurs regardless of whether the action is also taken for non-boycott-based reasons. Stated differently, the fact that a legitimate business reason in part motivated an action does not remove that action from the scope of this section if the action is also motivated in part by boycott reasons.

EXAMPLES OF REFUSALS TO DO BUSINESS

The following examples are intended to give guidance in determining when, in a boycott situation, a refusal to do business is prohibited. They are illustrative, not comprehensive.

REFUSALS TO DO BUSINESS

(i) A, a U.S. manufacturer, receives an order for its products from boycotting country Y. To fill that order, A solicits bids from U.S. companies B and C, manufacturers of components used in A's products. A does not, however, solicit bids from U.S. companies D or E, which also manufacture such components, because it knows that D and E are restricted from doing business in country Y and that their products are therefore not importable into that country.

Company A may not refuse to solicit bids from D and E for boycott reasons, because to

do so would constitute a prohibited refusal to do business with those persons.

(ii) A, a U.S. exporter, uses company B, a U.S. insurer, to insure the shipment of its goods to all its overseas customers. For the first time, A receives an order for its products from boycotting country Y. Knowing that B is on the blacklist of country Y, A arranges with company C, a non-blacklisted U.S. insurer, to insure the shipment of its goods to Y.

A's action constitutes a boycott-based prohibited refusal to do business with B.

(iii) A, a U.S. exporter, purchases all its liability insurance from company B, a U.S. company that does business in boycotted country X. A wishes to expand its operations into country Y, the boycotting country. Before doing so, A decides to switch from insurer B to insurer C, either because it believes country Y would so prefer or in anticipation of Y's requesting that A sever its relations with B as a condition of doing business in country Y.

A may not switch insurers for either of these reasons, because doing so would constitute a boycott-based refusal to do business with B.

(iv) A, a U.S. bank with a branch office in boycotting country Y, sends representatives to boycotted country X to discuss plans for opening a branch office in X. Upon learning of these discussions, an official of the local boycott office in country Y advises A's local branch manager that if A opens an office in country X it will no longer be allowed to do business in country Y. As a result of this notification, A decides to abandon its plans to open a branch in country X.

Bank A may not abandon its plans to open a branch in country X as a result of Y's notification, because doing so would constitute a refusal to do business in boycotted country X for boycott reasons.

(v) A, a U.S. company that manufactures office equipment, has been restricted from doing business in boycotting country Y because of its business dealings with boycotted country X. A decides that future business opportunities have become more promising in country Y than in country X. In an effort to have itself removed from boycotting country Y's blacklist, A ceases its business in country X.

A's action constitutes a refusal to do business in boycotted country X for boycott reasons.

(vi) A, a U.S. computer company, does business in boycotting country Y. A decides to explore business opportunities in boycotted country X. After careful analysis of possible business opportunities in country X, A decides, solely for business reasons, not to market its products in country X.

A's decision not to proceed is not a prohibited refusal to do business, because it is not based on boycott considerations. A has no affirmative obligation to do business in X.

(vii) A, a U.S. oil company with operations in boycotting country Y, has regularly purchased equipment from U.S. petroleum equipment suppliers B, C, and D, none of whom is on the blacklist of country Y. Because of its satisfactory relationship with B, C, and D, A has not dealt with other suppliers, including supplier E, who is blacklisted by country Y.

A's failure affirmatively to seek or secure business with blacklisted supplier E is not a refusal to do business with E for boycott reasons.

(viii) Same as (vii) except U.S. petroleum equipment suppier E, a company on boycotting country Y's blacklist, offers to supply U.S. oil company A with goods comparable to those provided by U.S. suppliers B, C, and D. A, because it has satisfactory, established relationships with suppliers B, C, and D, does not accept suppier E's offer.

A's refusal of suppier E's offer is not a prohibited refusal to do business, because it is based solely on non-boycott considerations. A has no affirmative obligation to do business with E.

(ix) A, a U.S. construction company, enters into a contract to build an office complex in boycotting country Y. A receives bids from B and C, U.S. companies that are equally qualified suppiers of electrical cable for the project. A knows that B is blacklisted by Y and that C is not. A accepts C's bid, in part because C is as qualified as the other potential suppiler and in part because C is not blacklisted.

A's decision to select supplier C instead of blacklisted supplier B is a prohibited refusal to do business, because the boycott was a motivating factor in A's decision.

(x) A, a U.S. general contractor, has been retained to construct a highway in boycotting country Y. A circulates an invitation to bid to U.S. manufacturers of road-building equipment. One of the conditions listed in the invitation to bid is that, in order for A to obtain prompt service, suppliers will be required to maintain a supply of spare parts and a service facility in country Y. A includes this condition solely for commercial reasons unrelated to the boycott. Because of this condition, however, those suppliers on country Y's blacklist do not bid since they would be unable to satisfy the parts and services requirements.

A's action is not a refusal under this section because the contractual condition was included solely for legitimate business reasons and was not boycott-based.

(xi) A, a U.S. engineering and construction company, contracts with a government agency in boycotting country Y to perform a variety of services in connection with the construction of a large industrial facility in country Y. Pursuant to this contract, A analyzes the market of prospective suppliers, compiles a suggested bidders list, analyzes the bids received, and makes recommendations to the client. The client independently selects and awards the contract to supplier C for boycott reasons. All of A's services are performed without regard to Y's blacklist or any other boycott considerations.

A's actions do not constitute a refusal to do business under this section, because, in the provision of pre-award services, A has not excluded the other bidders and has not carried out his client's decision not to do business with the other bidders.

(xii) Same as (xi), except that the client selects C and requests A to advise C of his selection, negotiate the contract with C, arrange for the shipment, and inspect the goods upon arrival. A knows that C was chosen by the client for boycott reasons.

A's action in complying with his client's direction is a prohibited refusal, because A's post-award actions carry out his client's boycott-based decision.

NOTE.—Whether A's action comes within the unilateral selection exception depends upon factors discussed in that exception.

(xiii) Same as (xii) except that A is building the project on a turnkey basis and will retain title until completion. The client instructs A to contract only with C.

A's action in contracting with C constitutes a prohibited refusal to do business, because it is action that excludes blacklisted persons from the transaction for boycott reasons.

NOTE.—Whether A's action comes within an exception depends upon factors discussed in the section on compliance with unilateral selection.

(xiv) A, a U.S. exporter of machine tools, receives an order for drill presses from boycotting country Y. The cover letter from country Y's procurement official states that A was selected over other U.S. manufacturers in part because A is not on Y's blacklist.

A's action in filling this order is not a prohibited refusal to do business, because A has not excluded anyone from the transaction.

(xv) A, a U.S. engineering firm under contract to construct a dam in boycotting country Y, compiles, on a non-boycott basis, a list of potential heavy equipment suppliers, including information on their qualifications and prior experience. A then solicits bids from the top three firms on its list—B, C, and D—because they are the best qualified. None of them happen to be blacklisted. A does not solicit bids from E, F, or G, the next three firms on the list, one of whom is on country Y's blacklist.

A's decision to solicit bids from only B, C, and D, is not, in and of itself, a prohibited refusal to do business with any person, because the solicited bidders were not selected for boycott reasons.

AGREEMENTS TO REFUSE TO DO BUSINESS

(i) A, a U.S. construction firm, is retained by an agency of boycotting country Y to build a primary school. The proposed contract contains a clause stating that A "may not use goods or services in the project that are produced or provided by any person restricted from having a business relationship with country Y by reason of Y's boycott against country X."

A's action in entering into such a contract constitutes an agreement to refuse to do business, because it is an agreement to exclude blacklisted persons from the transaction.

(ii) A, a U.S. manufacturer of commercial refrigerators and freezers, receives an invitation to bid from boycotting country Y. The tender states that the bidder must agree not to deal with companies on country Y's blacklist. A does not know what companies are on the blacklist. A's bid in responsee to the tender is accepted.

A's action is an agreement to refuse to do business, because A is agreeing to exclude blacklisted persons from the transaction.

(iii) A, a U.S. construction firm, is offered a contract to perform engineering and construction services in connection with a project located in boycotting country Y. The contract contains a clause stating that, in the event of a contract dispute, the laws of country Y will apply.

A may enter into the contract. Agreement that the laws of boycotting country Y will control in resolving a contract dispute is not an agreement to refuse to do business.

(iv) Same as (iii), except that the contract contains a clause that A and its employees will comply with the laws of boycotting country Y. A knows that country Y has a number of boycott laws.

Such an agreement is not, in and of itself, an agreement to refuse to do business. If, however, A subsequently takes an action consistent with the laws of country Y, but prohibited by this section and not subject to one of the exceptions of this part, A's action would be a prohibited refusal to do business.

(v) Same as (iv), except that the contract contains a clause that A and its employees will comply with the laws of boycotting country Y, "including boycott laws."

A's agreeing, without qualification, to comply with local boycott laws constitutes a prohibited agreement to refuse to do business.

(vi) Same as (v), except that A inserts a proviso "except insofar as Y's laws conflict with U.S. laws," or words to that effect.

Such an agreement is not a prohibited agreement to refuse to do business.

(vii) A, a U.S. general contractor, is retained to construct a pipeline in boycotting

country Y. A provision in the proposed contract stipulates that in purchasing equipment, supplies, and services A must give preference to companies located in host country Y.

A may agree to this contract provision. Agreeing to a "buy local" contract provision is not an agreement to refuse to do business under this section, because A's agreement is not made for boycott reasons.

(viii) Company A, a U.S. oil company, purchases drill bits from U.S. suppliers for export to boycotting country Y. In its purchase orders, A includes a clause requiring the supplier to reimburse A for the cost of the goods plus transportation in the event the supplier's goods are denied entry into country Y by reason of the laws or administrative practices of that country.

The insertion of this "risk of loss" clause by A is not an agreement to refuse to do business, because A is prepared to contract with anyone.

(ix) A, a U.S. exporter planning to sell retail goods to customers in boycotting country Y, enters into a contract to purchase the goods wholesale from B, a U.S. appliance manufacturer. A's contract with B includes a provision stipulating that B may not use components or services of blacklisted companies in the manufacture of its appliances.

A's contract constitutes a prohibited refusal, because it would require another person, B, to refuse to do business with other persons for boycott reasons. B may not agree to such a contract since it would be agreeing to refuse to do business with other persons for boycott reasons.

(b) *Discriminatory actions.* (1) Prohibition against taking discriminatory actions.

(2) No United States person may:

(i) Refuse to employ or otherwise discriminate against any United States person on the basis of race, religion, sex, or national origin;

(ii) Refuse to employ or otherwise discriminate against any corporation or other organization which is a United States person on the basis of the race, religion, sex, or national origin of any owner, officer, director, or employee of such corporation or organization;

(iii) Knowingly agree to take any of the actions described in subdivisions (i) and (ii) of this subparagraph; or

(iv) Require or knowingly agree to require any other person to take any of the actions described in subdivisions (i) and (ii) of this subparagraph.

(3) This prohibition shall apply whether the discriminatory action is taken voluntarily by a United States person or is taken in response to an agreement with, request from, or requirement of a boycotting country. This prohibition, like all others, applies only with respect to a United States person's activities in the interstate or foreign commerce of the United States, and when such activities are undertaken with intent to comply with, further, or support an unsanctioned foreign boycott.

(4) This section does not supersede or limit the operation of the civil rights laws of the United States.

EXAMPLES OF DISCRIMINATORY ACTIONS

The following examples are intended to give guidance in determining when particular discriminatory actions are prohibited. They are illustrative, not comprehensive.

(i) U.S. construction company A is awarded a contract to build an office complex in boycotting country Y. A, believing that employees of a particular religion will not be permitted to work in Y because of Y's boycott against country X, excludes U.S. persons of that religion from consideration for employment on the project.

A's refusal to consider qualified U.S. persons of a particular religion for work on the project in Y constitutes a boycott-based discriminatory action against U.S. persons on the basis of religion.

(ii) Same as (i), except that a clause in the contract provides that "no persons of country X origin are to work on this project."

A's agreement constitutes a boycott-based agreement to discriminate against U.S. persons, among others, on the basis of national origin.

(iii) Same as (i), except that a clause in the contract provides that "no persons who are citizens of country X are to work on this project."

A's agreement does not constitute a boycott-based agreement to discriminate against U.S. persons on the basis of race, religion, sex, or national origin, because the clause requires exclusion on the basis of nationality only.

(iv) Same as (ii), except the requirement is stated orally to A by a representative of Y.

A may not comply. It makes no difference how A learns about Y's discriminatory requirement.

(v) Boycotting country Y tenders an invitation to bid on a construction project in Y. The tender requires that the successful bidder's personnel will be interviewed and that persons of a particular religious faith will not be permitted to work on the project. Y's requirement is based on its boycott of country X, the majority of whose citizens are of that particular faith.

Agreement to this provision in the tender document by a U.S. person constitutes an agreement to engage in boycott-based discrimination against U.S. persons of a particular religion.

(vi) Same as (v), except that the tender specifies that "women will not be allowed to work on this project."

Agreement to this provision in the tender by a U.S. person does not constitute an agreement to engage in boycott-based discrimination, because the restriction against employment of women is not boycott-based. Such an agreement may, however, constitute a violation of U.S. civil rights laws.

(vii) A is a U.S. investment banking firm. As a condition of participating in an underwriting of securities to be issued by boycotting country Y, A is required to exclude from participation in the underwiring investment banks owned by persons of a particular faith. Y's requirement is based on its boycott of country X, the majority of whose citizens are of that particular faith.

A's agreement to such a provision constitutes an agreement to engage in boycott-based discrimination against U.S. persons on the basis of religion. Further, if A requires others who participate in the syndicate to agree to such a condition, A would be acting to require another person to engage in such discrimination.

(viii) U.S. company A is asked by boycotting country Y to certify that A will not use a six-pointed star on the packaging of its products to be imported into Y. The requirement is part of the enforcement effort by Y of its boycott against country X.

A may not so certify. The six-pointed star is a religious symbol, and the certification by A that it will not use such a symbol constitutes a statement that A will not ship products made by persons of that religion.

(ix) Same as (viii), except that A is asked to certify that no symbol of boycotted country X will appear on the packaging of its products imported into Y.

Such a certification conveys no statement about persons of any particular religion, and thus does not fall within this prohibition.

(c) *Furnishing Information About Race, Religion, Sex, or National Origin.* (1) Prohibition Against Furnishing Information About Race, Religion, Sex, or National Origin.

(2) No United States person may:

(i) Furnish information about the race, religion, sex, or national origin of any United States person;

(ii) Furnish information about the race, religion, sex, or national origin of any owner, officer, director, or employee of any corporation or other organization which is a United States person;

(iii) Knowingly agree to furnish information about the race, religion, sex, or national origin of any United States person; or

(iv) Knowingly agree to furnish information about the race, religion, sex, or national origin of any owner, officer, director, or employee of a corporation or other organization which is a United States person.

(3) This prohibition shall apply whether the information is specifically requested, or is offered voluntarily by the United States person. It shall also apply whether the information requested or volunteered is stated in the affirmative or the negative.

(4) Information about the place of birth of or the nationality of the parents of a United States person falls within this prohibition, as does information in the form of code words or symbols which could identify a United States person's race, religion, sex, or national origin.

(5) This prohibition, like all others, applies only with respect to a United States person's activities in the interstate or foreign commerce of the United States, and when such activities are undertaken with intent to comply with, further, or support an unsanctioned foreign boycott.

EXAMPLES OF THE PROHIBITION AGAINST FURNISHING DISCRIMINATORY INFORMATION

The following examples are intended to give guidance in determining when the furnishing of discriminatory information is prohibited. They are illustrative, not comprehensive.

(i) U.S. company A receives a boycott questionnaire from boycotting country Y asking whether it is owned or controlled by persons of a particular faith, whether it has any persons on its board of directors who are of that faith, and asking what the national origin of its president is. The information is sought for purposes of enforcing Y's boycott against country X and A knows or has reason to know that the information is sought for that reason.

A may not answer the questionnaire, because information about the religion and national origin of U.S. persons is sought for boycott reasons.

(ii) U.S. company A, located in the United States, is asked by boycotting country Y to certify that A has no persons of a particular national origin on its board of directors. A knows that Y's purpose in asking for

the certification is to enforce its boycott against country X.

A may not make such a certification, because A would be furnishing information about the national origin of U.S. persons for purposes of complying with Y's boycott against X.

(iii) U.S. company A believes that boycotting country Y will select A's bid over those of other bidders if A volunteers that it has no shareholders, officers, or directors of a particular national origin. A's belief is based on its knowledge that Y generally refuses, as part of its boycott against country X to do business with companies owned, controlled, or managed by persons of this particular national origin.

A may not volunteer this information, because it would be furnishing information about the national origin of U.S. persons for purposes of complying with, furthering or supporting Y's boycott against X.

(iv) U.S. company A has a contract to construct an airport in boycotting country Y. Before A begins work, A is asked by Y to identify the national origin of its employes who will work on the site. A knows or has reason to know that Y is seeking this information in order to enforce its boycott against X.

A may not furnish this information, because A would be providing information about the national origin of U.S. persons.

(v) Same as (iv), except that in order to assemble its work force on site in Y, A sends visa forms to its employees and asks that the forms be returned to A for transmittal to Y's consulate or embassy for approval. A, itself, furnishes no information about its employees, but merely transmits the visa forms back and forth.

In performing the ministerial function of transmitting visa forms, A is not furnishing information about any U.S. person's race, religion, sex, or national origin.

(vi) Same as (iv) except that A is asked by Y to certify that none of its employees in Y will be women, because Y's laws prohibit women from working.

Such a certification does not constitute a boycott-based furnishing, of information about any U.S. person's sex, since the reason the information is sought has nothing to do with Y's boycott of X.

(d) *Furnishing Information About Business Relationships with Boycotted Countries or Blacklisted Persons.* (1) Prohibition Against Furnishing Information About Business Relationships with Boycotted Countries or Blacklisted Persons.

(2) No United States person may furnish or knowingly agree to furnish information concerning his or any other person's past, present or proposed business relationships:

(i) With or in a boycotted country;

(ii) With any business concern organized under the laws of a boycotted country;

(iii) With any national or resident of a boycotted country; *or*

(iv) With any other person who is known or believed to be restricted from having any business relationship with or in a boycotting country.

(3) This prohibition shall apply whether:

(i) The information pertains to a business relationship involving a sale, purchase, or supply transaction; legal or commercial representation; shipping or other transportation transaction; insurance; investment; or any other type of business transaction or relationship; or

(ii) The information is directly or indirectly requested or is furnished on the initiative of the United States person.

(4) This prohibition does not apply to the furnishing of normal business information in a commercial context. Normal business information may relate to factors such as financial fitness, technical competence, or professional experience, and may be found in documents normally available to the public such as annual reports, disclosure statements concerning securities, catalogues, promotional brochures, and trade and business handbooks. Such information may also appear in specifications or statements of experience and qualifications.

(5) Normal business information furnished in a commercial context does not cease to be such simply because the party soliciting the information may be a boycotting country or a national or resident thereof. If the information is of a type which is generally sought for a legitimate business purpose (such as determining financial fitness, technical competence, or professional experience), the information may be furnished even if the information could be used or, without the knowledge of the person supplying the information is intended to be used for boycott purposes. However, no information may be furnished in response to a prohibited boycott request, even if the information is publicly available or could otherwise be furnished in a commercial context. Requests from a boycott office will be deemed to be boycott-based.

(6) This prohibition, like all others, applies only with respect to a United States person's activities in the interstate or foreign commerce of the United States, and when such activities are undertaken with intent to comply with, further, or support an unsanctioned foreign boycott.

EXAMPLE CONCERNING FURNISHING OF INFORMATION

The following examples are intended to give guidance in determining whether the furnishing of information is prohibited. They are illustrative, not comprehensive.

BOYCOTT INFORMATION

(i) U.S. contractor A is considering bidding for a contract to build a dam in boycotting country Y. The invitation to bid, which appears in a trade journal, specifies that each bidder must state that he does not have any offices in boycotted country X. A knows or has reason to know that the requirement is boycott-based.

A may not make this statement, because it constitutes information about A's business relationships with X.

(ii) Same as (i), except that each bidder is required to submit copies of its annual report with its bid. Since A's annual report describes A's worldwide operations, including the countries in which it does business, it necessarily discloses whether A has business relations with boycotted country X. A has no reason to know that its report is being sought for boycott purposes.

A, in furnishing its annual report, is supplying ordinary business information in a commercial context.

(iii) Same as (ii), except that accompanying the invitation to bid is a questionnaire from country Y's boycott office asking each bidder to supply a copy of its annual report.

A may not respond to the questionnaire by supplying its annual report even though it contains publicly available information, because A knows or should know that the information is being sought for boycott purposes since the questionnaire was from a boycott office.

(iv) U.S. company A is on boycotting country Y's blacklist. For reasons unrelated to the boycott, A terminates its business relationships with boycotted country X. In exploring other marketing areas, A determines that boycotting country Y offers great potential. A is requested to complete a questionnaire from a central boycott office which inquires about A's relations with boycotted country X.

A may not furnish information in response to this questionnaire, because it is information about A's dealings with X, and A knows or should know that it is boycott-based because the questionnaire is from a central boycott office.

(v) U.S. exporter A is seeking to sell its products to boycotting country Y. A is informed by Y that, as a condition of sale, A must certify that it has no salesmen in boycotted country X. A knows or has reason to know that the condition is boycott-based.

A may not furnish the certification.

(vi) U.S. company A, in seeking to expand its exports to boycotting country Y, sends a sales representative to Y for a one week trip. During a meeting in Y with trade association representatives, A's representative desires to explain that neither A nor any companies with which A deals has any business relationship with boycotted country X.

A's representative may not volunteer this information even though A for reasons unrelated to the boycott does not deal with X, because A's representative would be volunteering information about A's business relationships with X for boycott reasons.

(vii) U.S. company A is asked by boycotting country Y to furnish information concerning its business relationships with boycotted country X. A, knowing that Y is seeking the information for boycott purposes, refuses to furnish the information asked for directly, but proposes to respond by supplying a copy of its annual report which lists the countries with which A is presently doing business. A does not happen to be doing business in X.

A may not respond to Y's request by supplying its annual report, because A knows that it would be responding to a boycott-based request for information about its business relationships with X.

(viii) U.S. company A receives a letter from a central boycott office asking A to "clarify" A's operations in boycotted country X. A intends to continue its operations in X, but fears that not responding to the request will result in its being placed on boycotting country Y's blacklist.

A may not respond to this request for information, because A knows that the information concerning its business relationships with X is sought for boycott reasons.

(ix) U.S. company A, in the course of negotiating a sale of its goods to a buyer in boycotting country Y, is asked to certify that it is not on Y's blacklist.

A may not furnish the information, because the information about A's presence on Y's blacklist necessarily conveys information about A's past dealings with boycotted countries or blacklisted persons.

(x) U.S. company A has a manufacturing plant in boycotted country X and is on boy-

cotting country Y's blacklist. A is seeking to establish operations in Y, while expanding its operations in X. A applies to Y to be removed from Y's blacklist. A is asked, in response, to indicate whether it has manufacturing facilities in X.

A may not supply the requested information because A would be furnishing information about its dealings with a boycotted country in compliance with a boycott request or requirement of Y.

(xi) U.S. company A, a manufacturer of certain patented products, desires to register its patents in boycotting country Y. A receives a power of attorney form required to register its patents. The form contains a question regarding A's business relationships with boycotted country X. A has no business relationships with X and knows that the information is sought for boycott reasons.

A may not answer the question, because A would be furnishing information about its business relations with X, and A knows that the information is sought for boycott reasons.

(xii) U.S. bank A plans to open a branch office in boycotting country Y. In order to do so, A is required to furnish certain information about its business operations, including the location of its other branch offices. Such information is normally sought in other countries where A has opened a branch office, and A does not have reason to know that Y is seeking the information for boycott reasons.

A may furnish this information, even though in furnishing it A would disclose information about its dealings with boycotted country X, because the request is made in a normal business context and A does not have reason to know that it is sought for boycott reasons.

(xiii) U.S. architectural firm A responds to an invitation to submit designs for an office complex in boycotting country Y. The invitation states that all bidders must include information concerning similar types of buildings they have designed. A has not designed such buildings in boycotted country X. Clients frequently seek information of this type before engaging an architect.

A may furnish this information, because such information is normally required for business reasons, and A is furnishing the information so that the prospective client can evaluate A's technical competence and professional experience.

(xiv) U.S. oil company A distributes to potential customers promotional brochures and catalogues which give background information on A's past projects. A does not have business dealings with boycotted country X. The brochures, which are identical to those which A uses throughout the world, list those countries in which A does or has done business. In soliciting potential customers in boycotting country Y, A desires to distribute copies of its brochures.

A may do so, because the brochures are being furnished in a commercial context for purposes which are not boycott-related.

(e) *Information Concerning Association with Charitable and Fraternal Organizations.* (1) Prohibition Against Furnishing Information About Associations with Charitable and Fraternal Organizations.

(2) No United States person may furnish or knowingly agree to furnish information about whether any person is a member of, has made contributions to, or is otherwise associated with or involved in the activities of any charitable or fraternal organization which supports a boycotted country.

(3) This prohibition shall apply whether:

(i) The information concerns association with or involvement in any charitable or fraternal organization which (*a*) has, as one of its stated purposes, the support through financial contributions or other means of a boycotted country, or (*b*) undertakes, as a major organizational activity, to offer financial or other support to a boycotted country; or

(ii) The information is directly or indirectly requested or is furnished on the initiative of the United States person; or

(iii) The information requested or volunteered concerns membership in, financial contributions to, or any other type of association with or involvement in the activities of such charitable or fraternal organization.

(4) This prohibition does not prohibit the furnishing of normal business information in a commercial context as defined in § 369.2(d).

(5) This prohibition, like all others, applies only with respect to a United States person's activities in the interstate or foreign commerce of the United States, and when such activities are undertaken with intent to comply with, further, or support an unsanctioned foreigh boycott.

EXAMPLES OF PROHIBITIONS AGAINST FURNISHING INFORMATION ABOUT ASSOCIATIONS WITH CHARITABLE OR FRATERNAL ORGANIZATIONS

The following examples are intended to give guidance in determining whether the furnishing of information concerning associations with charitable or fraternal organizations is prohibited. They are illustrative, not comprehensive.

(i) U.S. engineering firm A wishes to register a patent in boycotting country Y. A receives a request from Y to supply information concerning any association which A's officers have with charitable organization B, an organization which is known by A to contribute financial support to boycotted country X. A knows or has reason to know that the information is sought for boycott reasons.

A may not furnish the information.

(ii) U.S. construction company A, in an effort to establish business dealings with boycotting country Y, proposes to furnish information to Y showing that no members of its board of directors are in any way associated with charitable organizations which support boycotted country X. A's purpose is to avoid any possibility of its being blacklisted by Y.

A may not furnish the information, because A's purpose in doing so is boycott-based. It makes no difference that no specific request for the information has been made by Y.

(iii) A, a citizen of the United States, is applying for a teaching position in a school in boycotting country Y. In connection with his application, A furnishes a resume which happens to disclose his affiliation with charitable organizations. A does so completely without reference to Y's boycott and without knowledge of any boycott requirement of Y that pertains to A's application for employment.

The furnishing of a resume by A is not a boycott-related furnishing of information about his association with charitable organizations which support boycotted country X.

(f) *Letters of credit.* (1) Prohibition Against Implementing Letters of Credit Containing Prohibited Conditions or Requirements.

(2) No United States person may pay, honor, confirm, or otherwise implement a letter of credit which contains a condition or requirement compliance with which is prohibited by this part, nor shall any United States person, as a result of the application of this section, be obligated to pay, honor or otherwise implement such a letter of credit.

(3) For purposes of this section, "implementing" a letter of credit includes:

(i) Issuing or opening a letter of credit at the request of a customer;

(ii) Honoring, by accepting as being a valid instrument of credit, any letter of credit;

(iii) Paying, under a letter of credit, a draft or other demand for payment by the beneficiary;

(iv) Confirming a letter of credit by agreeing to be responsible for payment to the beneficiary in response to a request by the issuer;

(v) Negotiating a letter of credit by voluntarily purchasing a draft from a beneficiary and presenting such draft for reimbursement to the issuer or the confirmer of the letter of credit; and

(vi) Taking any other action to implement a letter of credit.

(4) In the standard international letter of credit transaction facilitating payment for the export of goods from the United States, a bank in a foreign country may be requested by its customer to issue a revocable or irrevocable letter of credit in favor of the United States exporter. The customer usually requires, and the letter of credit provides, that the issuing (or a confirming) bank will make payment to the beneficiary against the bank's receipt of the documentation specified in the letter of credit. Such documentation usually includes commercial and consular invoices, a bill of lading, and evidence of insurance, but it may also include other required certifications or documentary assurances such as the origin of goods and information relating to the carrier or insurer of the shipment. Banks usually will not accept drafts for payment unless the documents submitted therewith comply with the terms and conditions of the letter of credit.

(5) A United States person is not prohibited under this section from advising a beneficiary of the existence of a letter of credit in his favor, or from taking ministerial actions to dispose of a letter of credit which it is prohibited from implementing.

(6) If the underlying transaction to which the letter of credit relates is entitled to grace period treatment under this part, implementation of the letter of credit is also entitled to such grace period treatment.

(7) This section does not relieve any person from any financial or other responsibility he may incur under other laws or regulations, except as may be explicitly provided in this section.

(8) This prohibition, like all others, applies only with respect to a United States person's activities in the inter-

state or foreign commerce of the United States, and when such activities are undertaken with intent to comply with, further, or support an unsanctioned foreign boycott. The standards and examples governing the question of whether a United States person's activities in implementing a letter of credit are in United States commerce are set out in the section defining "Activities in the Interstate or Foreign Commerce of the United States."

EXAMPLES OF THE PROHIBITION AGAINST IMPLEMENTING LETTERS OF CREDIT

The following examples are intended to give guidance in determining when implementation of a letter of credit is prohibited. They are illustrative, not comprehensive.

(i) Boycotting country Y orders goods from U.S. company B. Y opens a letter of credit with foreign bank C in favor of B. The letter of credit specifies as a condition of payment that B certify that it does not do business with boycotted country X. Foreign bank C forwards the letter of credit it has opened to U.S. bank A for confirmation.

A may not confirm or otherwise implement this letter of credit, because it contains a condition with which a U.S. exporter may not comply.

(ii) Same as (i), except U.S. bank A desires to advise the beneficiary, U.S. company B, of the letter of credit.

A may do so, because advising the beneficiary of the letter of credit (including the terms which prevent A from implementing it) is not implementation of the letter of credit.

(iii) Same as (ii), except foreign bank C sends a telegram to U.S. bank A stating the major terms and conditions of the letter of credit. The telegram does not reflect any boycott provisions. Subsequently, C mails to A documents setting forth the terms and conditions of the letter of credit, including a prohibited boycott condition.

A may not further implement the letter of credit after it receives the documents, because they reflect the prohibited boycott conditions in the letter of credit.

A may advise the beneficiary and C of the existence of the letter of credit (including the boycott terms), and may perform any essentially ministerial acts necessary to deal appropriately with or dispose of the letter of credit.

(iv) Same as (iii), except that U.S. company B, based in part on information received from U.S. bank A, desires to obtain an amendment to the letter of credit which would eleminate or nullify the language in the letter of credit which prevents A from paying or otherwise implementing it.

Either company B or bank A may undertake, and the other may cooperate and assist in, this endeavor. A could then pay or otherwise implement the revised letter of credit, so long as the original prohibited language is of no force or effect.

(v) Boycotting country Y requests a foreign bank in Y to open a letter of credit to effect payment for goods to be shipped by U.S. supplier B. The letter of credit contains prohibited boycott clauses. The foreign bank forwards a copy of the letter of credit to its branch office A in the United States.

A may advise the beneficiary but may not implement the letter of credit, because it contains prohibited boycott conditions.

(vi) On November 1, 1977, boycotting country Y orders goods from U.S. company B. U.S. bank A is asked to implement the letter of credit, which contains a clause requiring documentation that the goods shipped are not of boycotted country X origin.

A may implement the letter of credit, but after June 21, 1978, may accept only a positive certificate of origin as satisfactory documentation. (See § 369.3(b).)

(vii) Same as (vi), except that U.S. company B has a contract with Y to supply a certain quantity of goods each month over a two year period. B's contract was entered into on May 15, 1977, and thus is exempt cember 31, 1978. Each month, Y causes a letter of credit to be opened in favor of B from the provisions of this Part until De- in order to effect payment. Such letters of credit call for negative certificates of origin.

A may implement such letters of credit through December 31, 1978, since the underlying contract is entitled to a grace period until then. (See § 369.5.)

(viii) B is a foreign bank located outside the United States. B maintains an account with U.S. bank A, located in the United States. A letter of credit issued by B provides that any negotiating bank may obtain reimbursement from A by certifying that all the terms and conditions of the letter of credit have been met and then drawing against B's account. B notifies A by cable of the issuance of a letter of credit and the existence of reimbursement authorization; A does not receive a copy of the letter of credit.

A may reimburse any negotiating bank, even when the underlying letter of credit contains a prohibited boycott condition, because A does not know or have reason to know that the letter of credit contains prohibited boycott conditions.

(ix) Same as (viii), except that foreign bank B forwards a copy of the letter of credit to U.S. bank A, which then becomes aware of the prohibited boycott clause.

A may not thereafter reimburse a negotiating bank or in any way further implement the letter of credit, because it knows of the prohibited boycott conditions.

(x) Boycotting country Y orders goods from U.S. exporter B and requests a foreign bank in Y to open a letter of credit to cover the cost. The letter of credit contains a prohibited boycott clause. The foreign bank asks U.S. bank A to advise and confirm the letter of credit. Through inadvertence, A does not notice the prohibited clause and confirms the letter of credit. A thereafter notices the clause and then refuses to honor B's draft against the letter of credit. B sues bank A for payment.

A has an absolute defense against the obligation to make payment under this letter of credit.

NOTE.—This section does not alter any other obligations or liabilities of the parties under appropriate law.

(xi) U.S. bank A has confirmed and is in the midst of implementing a letter of credit when the rules and regulations of this part are issued in final form and become effective. Upon examination of this part, A determines that the letter of credit contains a prohibited boycott clause calling for a negative certificate of origin.

A may implement this letter of credit until June 21, 1978, one year from the date of enactment of the Export Administration Amendments of 1977, because negative certificates of origin are not prohibited until that date.

(xii) Boycotting country Y orders goods from U.S. company B. A letter of credit which contains a prohibited boycott clause is opened by a foreign bank in Y. The foreign bank asks U.S. bank A to advise and confirm the letter of credit, which it forwards to A.

A may notify B that it has received a letter of credit in its favor, but may not confirm the letter of credit with the prohibited clause.

(xiii) Same as (xii), except bank A fails to tell B that it cannot process the letter of credit.

When B presents the draft for payment, A nevertheless may not honor it. If the draft is presented again, after renegotiation of the letter of credit to eliminate or nullify the prohibited language, the draft may then be paid and the letter of credit otherwise implemented by A.

§ 369.3 Exceptions to prohibitions.

(a) *Import requirements of a boycotting country.* (1) Compliance with import requirements of a boycotting country. A United States person, in supplying goods or services to a boycotting country, or to a national or resident of a boycotting country, may comply or agree to comply with requirements of such boycotting country which prohibit the import of:

(i) Goods or services from the boycotted country;

(ii) Goods produced or services provided by any business concern organized under the laws of the boycotted country; or

(iii) Goods produced or services provided by nationals or residents of the boycotted country.

(4) A United States person may comply or agree to comply with such import requirements whether or not he has received a specific request to comply. By its terms, this exception applies only to transactions involving imports into a boycotting country. A United States person may not, under this exception, refuse on an across-the-board basis to do business with a boycotted country or a national or resident of a boycotted country.

(5) In taking action within the scope of this exception, a United States person is limited in the types of boycott-related information he can supply. (See the sections on furnishing information about one's business dealings and on import and shipping documents.)

EXAMPLES OF COMPLIANCE WITH IMPORT REQUIREMENTS OF A BOYCOTTING COUNTRY

The following examples are intended to give guidance in determining when compliance with the import requirements of a boycotting country is permissible. They are illustrative, not comprehensive.

(i) A, a U.S. manufacturer, receives an order from boycotting country Y for its products. Country X is subject to a prim ry boycott by country Y, and import laws of Y prohibit the importation of goods produced or manufactured in X. In filling this type of order, A would usually include some component parts produced in X.

For the purpose of filling this order, A may substitute comparable component parts in place of parts produced in X, because the import laws of Y prohibit the importation of goods manufactured in X.

(ii) Same as (i), except that A's contract with Y expressly provides that in fulfilling the requirements of the contract A "may not include parts or components produced or manufactured in boycotted country X."

A may agree to this contract provision, because Y's primary boycott of X prohibits the importation of goods from X.

NOTE.—Under the import and shipping document requirements exception, A may not, after the expiration of the grace period,

furnish such negative or exclusionary certifications regarding the origin of components in response to import and shipping documentation requirements.

(ii) A, a U.S. building contractor, is awarded a contract to construct a plant in boycotting country Y. A accepts bids on goods required under the contract, and the lowest bid is made by B, a business concern organized under the laws of X, a country subject to a primary boycott by Y. Y prohibits the import of goods produced by companies organized under the laws of country X.

A may, for purposes of this contract, reject B's bid and accept another, because B's goods would be refused entry into Y because of Y's primary boycott against X.

(iv) Same as (iii) except that A also rejects the low bid by B for work on a construction project in country M., a country not involved in Y's boycott.

This exception does not apply, because A's action is not taken in order to comply with Y's laws prohibiting the import of products from boycotted country X.

(v) A, a U.S. management consulting firm, contracts to provide services to boycotting country Y. Y requests that A not employ residents or nationals of boycotted country X to provide those services.

A may agree, as a condition of the contract, not to have services furnished by nationals or residents of X because importation of such services is prohibited by Y's import law.

(b) *Shipment of goods to a boycotting country.* (1) Compliance with requirements regarding the shipment of goods to a boycotting country.

(2) A United States person, in shipping goods to a boycotting country, may comply or agree to comply with requirements of that country which prohibit the shipment of goods:

(i) On a carrier of the boycotted country; or

(ii) By a route other than that prescribed by the boycotting country or the recipient of the shipment.

(3) A specific request that a United States person comply or agree to comply with requirements concerning the use of carriers of a boycotted country is not necessary if the United States person knows, or has reason to know, that the use of such carriers for shipping goods to the boycotting country is prohibited by requirements of the boycotting country. This exception applies whether a boycotting country or the purchaser of the shipment:

(i) Explicitly states that the shipment should not pass through a port of the boycotted country; or

(ii) Affirmatively describes a route of shipment that does not include a port in the boycotted country.

(4) For purposes of this exception, the term "carrier of a boycotted country" means a carrier which flies the flag of a boycotted country or which is owned by nationals or residents of a boycotted country.

EXAMPLES OF COMPLIANCE WITH THE SHIPPING REQUIREMENTS OF A BOYCOTTING COUNTRY

The following examples are intended to give guidance in determining when compliance with requirements regarding shipment of goods to a boycotting country is permissible. They are illustrative, not comprehensive.

(i) Boycotting country Y prescribes the route of shipment to A, a U.S. exporter from whom Y is importing goods, and directs that the goods not pass through a port of boycotted country X.

A may comply with Y's shipping instructions, because X is boycotted by Y.

(ii) A, a U.S. fertilizer manufacturer, receives an order from boycotting country Y for 10 metric tons of fertilizer. Y specifies in the order that A may not ship the fertilizer on a carrier of boycotted country X.

A may comply with this request, because X is boycotted by Y.

(iii) B, a resident of boycotting country Y, orders textile goods from A, a U.S. distributor, specifying that the shipment must not be made on a carrier of boycotted country X and that the carrier must not pass through a port of country X enroute to Y.

A may comply or agree to comply with these requests, because B is the purchaser of the shipment and is resident in Y.

(iv) Boycotting country Y orders goods from A, a U.S. retail merchant. The order specifies that the goods shipped by A "may not be shipped on a carrier registered in or owned by boycotted country X."

A may agree to this contract provision, because X is boycotted by Y.

(v) Boycotting country Y orders goods from A, a U.S. pharmaceutical company, and requests that the shipment not pass through a port of country P, which is not a country boycotted by Y.

This exception does not apply in a nonboycotting situation. A may comply with the shipping instructions of Y, because in doing so he would not violate any prohibition of this part.

(c) *Import and shipping document requirements.* (1) Compliance with import and shipping document requirements of a boycotting country.

(2) A United States person, in shipping goods to a boycotting country, may comply or agree to comply with import and shipping document requirements of that country, with respect to:

(i) The country of origin of the goods;

(ii) The name of the carrier;

(iii) The route of the shipment;

(iv) The name of the supplier of the shipment; and

(v) The name of the provider of other services in conjunction with the shipment.

(4) After June 21, 1978, all such information must be stated in positive, nonblacklisting, non-exclusionary terms except for information with respect to the names of carriers or routes of shipment, which may continue to be negatively stated in conjunction with shipments to a boycotting country. The purpose of this grace period, which is provided by section 4A(a)(2)(B) of the Export Administration Act of 1969, as amended, is to allow time for persons to adjust their practices to the use of import and shipping documentation stated in positive terms, rather than in terms that may be boycott-related.

EXAMPLES OF COMPLIANCE WITH IMPORT AND SHIPPING DOCUMENT REQUIREMENTS

The following examples are intended to give guidance in determining when compliance with import and shipping document requirements of a boycotting country is permissible. They are illustrative, not comprehensive.

(i) Boycotting country Y contracts with A, a U.S. petroleum equipment manufacturer, for certain equipment. Y's import regulations require that goods being imported must be accompanied by a certification that the goods being supplied did not originate in boycotted country X.

Until June 21, 1978, A may comply with such import regulations in the terms requested. After June 21, 1978, A may not supply such a certification in negative terms, but may only state affirmatively that the goods being shipped originated in country M, for example.

(ii) Same as (i), except that country Y's import regulations require that the shipping documentation accompanying the goods specify the country of origin of the goods.

A may furnish the information.

(iii) A, a U.S. distributor, has a long-term contract with boycotting country Y, for monthly shipments of goods to Y from January 1975 through December 1979. The import laws of Y provide that all shipments into the country must be accompanied by a certification that the goods did not originate in X, a country boycotted by Y.

A may supply such a negative certification until June 21, 1978. After that date, A may positively state the origin of the goods on the shipping or import documents for the duration of the contract.

(iv) A, a U.S. appliance manufacturer, entered into a contract on March 1, 1977, with boycotting country Y. A clause in the contract requires A to attach to each shipment of goods a certification that "the shipment contains no goods manufactured in boycotted country X."

A may comply with this contractual requirement, because such a provision in a contract with the boycotting country government constitutes an import document requirement.

(v) A, a U.S. apparel manufacturer, has contracted to sell certain of its products to B, a national of boycotting country Y. The form that must be submitted to customs officials of Y requires the shipper to certify that the goods contained in the shipment have not been supplied by "blacklisted" persons.

Until June 21, 1978, A may furnish the information required in the requested form. After June 21, 1978, A may not furnish the information in negative terms, but may only certify in positive terms that the goods were supplied by company A, for example.

(vi) Same as (v), except the customs form requires certification that the insurer and freight forwarder used are not "blacklisted."

Until June 21, 1978, A may furnish the information required in the requested form. After June 21, 1978, A may not comply with the reqest, but may only supply a certification stating, in positive terms, the names of the insurer and freight forwarder.

(vii) A, a U.S. petrochemical manufacturer, executes a sales contract with B, a resident of boycotting country Y. A provision of A's contract with B requires that the bill of lading and other shipping documents contain certifications that the goods are not being shipped on a "blacklisted" carrier.

Until June 21, 1978, A may furnish the information required in the requested form. After June 21, 1978, A may not agree to supply a certification that the carrier is not "blacklisted," because the certification is not requested as a precautionary protection against war risks.

(viii) Same as (vii) except that the contract requires certification that the goods are not being shipped on a carrier registered in or owned by boycotted country X.

A may furnish such a certification at any time, because the certification is requested as a precaution against war risks and confiscation.

(ix) Same as (vii), except that the contract requires that the shipping documents must certify the name of the carrier being used.

A may, at any time, supply or agree to supply the requested documentation regarding the name of the carrier and the route of shipment either in negative or affirmative terms.

(x) Same as (vii), except the contract requires a certification that the carrier will not call at a port in boycotted country X before the port of unlading.

A may furnish this certification at any time, because the certification is requested as a precaution against war risks and confiscation.

(xi) Same as (vii), except that the contract requires that the shipping documents indicate the name of the insurer and freight forwarder.

A may comply at any time, because the documentation is not required to be stated in negative or blacklisting terms.

(xii) B, a U.S. exporter, sells some of its products to boycotting country Y. Y requests a foreign bank located in Y to open a letter of credit to pay for the goods. The letter of credit requires that B supply documentation certifying that "the goods are not manufactured in boycotted country X." The foreign bank forwards the letter of credit to U.S. bank A. On June 21, 1978, B supplies the necessary documents and asks A for payment.

A may make payment, because import and shipping document requirements may be stated in negative terms for a period of one year after the date of enactment of the Export Administration Amendments of 1977.

(d) *Unilateral selection.* (1) Compliance with unilateral selection.

(2) A United States person may comply or agree to comply in the normal course of business with the unilateral and specific selection by:

(i) A boycotting country,

(ii) A national of a boycotting country, or

(iii) A resident of a boycotting country (including a United States person who is a bona fide resident of a boycotting country),

of

(i) Carriers,

(ii) Insurers,

(iii) Suppliers of services to be performed within the boycottting country, or

(iv) Specific goods:

Provided, That:

(*a*) With respect to services, some part of the services are to be performed within the boycotting country, and

(*b*) With respect to goods, materials, or components, the items are, in the normal course of business, identifiable as to their source or origin at the time of their entry into the boycoting country by (*1*) uniqueness of design or appearance; or (*2*) trademark, trade name, or other identification normally on the product itself or its packaging.

(3) This exception pertains to what is permissable for a United States person who is the recipient of a unilateral and specific selection of goods or services to be furnished by a third person. This exception does not pertain to whether the act of making such a selection is or is not permitted; that question is covered in the section dealing with compliance with local law. Nor does it pertain to the person who is the direct recipient of an order to supply its own goods or services. Nothing in this part prohibits or restricts a United States person from filling an order himself, even if he is selected by the buyer on a boycott basis (e.g., because he is not blacklisted), so long as he does not himself take any action prohibited by this part.

(4) In order for this exception to apply, the selection with which a United States person wishes to comply must be unilateral and specific. Accordingly, the exception covers only selections which are stated in the affirmative and which specify a particular supplier of goods or services. Also, for a selection to be unilateral, the discretion in making the selection must be exercised by the boycotting country buyer. If the United States person complying with the selection has provided the boycotting country buyer with any boycott-based assistance (including information for purposes of helping the buyer select someone on a boycott basis), then the buyer's selection is not unilateral, and compliance with that selection by a United States person does not come within this exception.

(5) In order for this exception to be available, the unilateral and specific selection must have been made by a boycotting country or by a national or resident of a boycotting country. Such a resident may be a United States person. However, a United States person will be considered a resident only if he is a bona fide resident. Factors that will be considered in determining whether a United States person is a bona fide resident of a boycotting country include:

(i) Physical presence in the country;

(ii) Whether residence is needed for legitimate business reasons;

(iii) Continuity of the residency;

(iv) Intent to maintain the residency;

(v) Prior residence in the country;

(vi) Size and nature of presence in the country;

(vii) Whether the person is registered to do business or incorporated in the country;

(viii) Whether the person has a valid work visa; and

(ix) Similar presence in a nonboycotting foreign country in connection with similar business activities.

(6) If a selection is made by a nonresident agent, subsidiary, affiliate, or branch office, it is not a selection by a resident within the meaning of this exception. However, a selection made solely by a bona fide resident and merely transmitted by another person to a United States person for execution is a selection by a bona fide resident within the meaning of this exception.

(7) If a United States person receiving what may be a unilateral selection from another United States person knows or has reason to know that the selection is made for boycott reasons, he has a duty to inquire of the transmitting person as to who actually made the selection. If he knows or has reason to know that the selection was made by other than a resident of a boycotting country, he may not comply. A course or pattern of such conduct, which a United States person recognizes to be consistent with boycott restrictions, will create a duty to inquire. If the United States person does not know or have reason to know that the selection it receives is boycott-based, its action does not offend any prohibition and the exception is not needed.

(8) This exception applies only to compliance with selections of certain types of suppliers of services—carriers, insurers, and suppliers of services to be performed "within the boycotting country." Services to be performed wholly within the United States or within any country other than the boycotting country are not covered. If some portion of the services is to be performed in the boycotting country, the services are considered to be "services to be performed within the boycotting country."

(9) Similarly, this exception applies only to compliance with selections of certain types of goods—goods that in the normal course of business are identifiable by source at the time of import into the boycotting country. The definition of goods identifiable by source is the same under this section as it is under the section on compliance with local law.

(10) Goods identifiable by source in the normal course of business are those goods which at the time of import into a boycotting country are identifiable by (i) trademark, trade name, symbol or other identification normally on the product itself or its packaging, or (ii) uniqueness of design or appearance. Goods are not considered to be identifiable by source in the normal course of business if a trademark, trade name, or other form of identification (including documentary identification) not normally present is added to the product itself or its packaging. Likewise, goods for which the boycotting country does not normally require accompanying documentation identifying the source are not goods "identifiable by source" within the meaning of this exception.

(11) If a unilateral selection meets the conditions described above, the United States person receiving the unilateral selection may comply or agree to comply, even if he knows or has reason to know that the selection was boycott-based. However, no United States person may comply or agree to comply with any unilateral selection if he knows or has reason to know that the purpose of the selection is to effect discrimination against any United States person on the basis of race, religion, sex, or national origin.

EXAMPLES OF PERMISSIBLE COMPLIANCE WITH A UNILATERAL SELECTION

The following examples are intended to give guidance in determining whether compliance with a unilateral selection is permissible. They are illustrative, not comprehensive.

SPECIFIC AND UNILATERAL SELECTION

(i) A, a U.S. manufacturer of road-grading equipment, is asked by boycotting country Y

to ship goods to country Y on U.S. vessel B, a carrier which is not blacklisted by Y. A knows or has reason to know that Y's selection of B is boycott-based.

A may comply with Y's request, or may agree to comply as a condition of the contract, because the selection is specific and unilateral.

(ii) A, a U.S. contractor building an industrial facility, is asked by B, a resident of boycotting country Y, to use C as the supplier of air conditioning equipment to be used in the facility. C is not blacklisted by country Y. A knows or has reason to know that B's request is boycott-based.

A may comply with B's request, or may agree to comply as a condition of the contract, because the selection of C is specific and unilateral.

(iii) A, a U.S. manufacturer of automotive equipment, is asked by boycotting country Y not to ship its goods to Y on U.S. carriers B, C, or D. Carriers B, C, and D are blacklisted by boycotting country Y. A knows or has reason to know that Y's request is boycott-based.

A may not comply or agree to comply with Y's request because the selection is not specific.

(iv) A, a U.S. exporter shipping goods ordered by boycotting country Y, is provided by Y with a list of eligible U.S. insurers from which A may choose in insuring the shipment of its goods. A knows or has reason to know that the list was compiled on a boycott basis.

A may not comply or agree to comply with Y's request that A choose from among the eligible insurers, because Y's selection is not specific.

(v) A, a U.S. construction firm, is retained by an agency of boycotting country Y to build a pipeline. Y requests A to suggest engineering firms to be used on-site in the construction of the pipeline. A provides a list of five engineering firms, B–F, and then confers with and gives its recommendations to Y. A recommends C, because C is the best qualified. Y then selects B, because C is blacklisted.

A may comply with Y's selection of B, because the boycott-based decision is made by Y and is unilateral and specific.

(vi) A, a U.S. aircraft manufacturer, is negotiating to sell aircraft to boycotting country Y. During the negotiations, Y asks A to identify the company which normally manufactures the engines for the aircraft. A responds that they are normally manufactured by U.S. engine manufacturer B. B is blacklisted by Y. In making the purchase, Y specifies that the engines for the aircraft should be supplied by U.S. engine manufacturer C.

A may comply or agree to comply with Y's selection of C, because Y's selection is unilateral and specific.

(vii) A, a U.S. aircraft manufacturer, receives an order from U.S. company C for the export of aircraft to company D, a U.S. affiliate of C. D is a bona fide resident of boycotting country Y. C instructs A that "in order to avoid boycott problems," A must use engines that are manufactured by company B, a company that is not blacklisted by Y. Engines built by B are unique in design and also bear B's trade name.

Since A has reason to know that the selection is boycott-based, he must inquire of C whether the selection was made by D. If C informs A that the selection was made by D, A may comply.

(viii) Same as (vii) except that C initially states that the designation was unilaterally and specifically made by D.

A may accept C's statement without further investigation and may comply with the selection, because C merely transmitted D's unilateral and specific selection.

(ix) Same as (vii) except that C informs A that it, C, has selected B on behalf of or as an agent of its affiliated company resident in the boycotting country.

A may not comply with this selection, because the decision was not made by a boycotting country buyer resident in the boycotting country.

(x) A, a U.S. management consulting firm, is advising boycotting country Y on the selection of a contracting firm to construct a plant for the manufacture of agricultural chemicals.

A compiles a list of potential contractors on the basis of its evaluation of the capabilities of the respective candidates to perform the job. A has no knowledge as to the blacklist status of any of the companies, B, C, D and E, which are listed in order of their qualifications. Y instructs A to negotiate with B.

A may comply with Y's instruction, because A neither knows nor has reason to know that Y's selection was boycott-based.

(xi) A, a U.S. exporter, is asked by boycotting country Y not to ship goods on carriers B, C, or D, which are owned by nationals of and are registered in country P, a country not boycotted by Y.

A may comply or agree to comply with Y's request, because it does not know or have reason to know that the request is boycott-based.

NOTE.—In examples (x) and (xi), A has violated no prohibition, because it does not know or have reason to know that the selection is boycott-based. Therefore, A could not act with the requisite intent to comply with the boycott.

BOYCOTTING COUNTRY BUYER

(The definition of a "resident" of a boycotting country is the same as that for the compliance with local law exception. See also the examples in the section dealing with that exception.)

(i) A, a U.S. exporter, is asked by B, a U.S. person who is a *bona fide* resident of boycotting country Y, to ship goods on U.S. carrier C. C is not blacklisted by Y, and A knows that B's choice of C is boycott-based.

A may comply with B's request, or may agree to comply as a condition of the contract, because B is a bona fide resident of Y.

(ii) A is a U.S. computer company whose subsidiary, B, is a bona fide resident of boycotting country Y. A receives an order from B for specific, identifiable products manufactured by company C in connection with a computer which B is installing in Y.

A may comply or agree to comply with B's unilateral and specific selection, so long as the discretion was in fact exercised by B, not A.

NOTE.—Unilateral selection transactions involving related United States persons will be scrutinized carefully to ensure that the selection was in fact made by the bona fide resident of the boycotting country.

(iii) A, a U.S. engineering firm, has chief engineer B as its resident engineer on the site of the construction of a dam in boycotting country Y. B is a bona fide resident of Y for purposes of work on this project. B selects equipment supplier C in part for boycott reasons and directs A to purchase certain specific equipment from C for use in the project.

A may comply with this unilateral selection, because the decision was made by a bona fide resident of Y.

SUPPLIERS OF SERVICES

(i) A, a U.S. manufacturer, is asked by boycotting country Y to ship goods to Y on U.S. vessel B, a carrier which is not blacklisted by Y.

A may comply with Y's request, or may agree to comply as a condition of the contract, because compliance with the unilateral and specific selection of a carrier is expressly permissible under another exception.

(ii) A, a U.S. exporter, shipping goods ordered by C, a national of boycotting country Y, is asked by C to insure the shipment through U.S. insurer B.

A may comply or agree to comply with C's request, because compliance with the unilateral and specific selection of an insurer is expressly permissible under another exception.

(iii) A, a U.S. construction company, is hired by C, an agency of the government of boycotting country Y, to build a power plant in Y. C specifies that A should subcontract the foundation work to U.S. contractor B.

A may comply or agree to comply with Y's designation, because the services are to be performed within the boycotting country.

(iv) A, a U.S. utility company, is hired by boycotting country Y to construct a power plant in Y. Y specifies that U.S. architectural firm B should be retained by A to design the plant.

A may comply or agree to comply with Y's unilateral and specific selection of architectural firm B if, in the normal course of business, B will be required to perform a part of its services within Y.

(v) Same as (iv), except that Y specifies that the turbine for the power plant should be designed by U.S. engineer C.

A may not comply or agree to comply with Y's request, because, in the normal course of business, engineer C's services will not be performed in Y.

(vi) A, a U.S. aircraft manufacturer, receives a contract from boycotting country Y to manufacture jet engines for Y's use. Y specifies that the engines should be designed by U.S. industrial enginering firm B.

A may not comply or agree to comply with Y's request, because, in the normal course of business, the services will not be performed in Y.

SPECIFICALLY IDENTIFIABLE GOODS

(The test as to what constitutes specifically identifiable goods under this exception, and the following examples, also apply to the term "specifically identifiable goods" as used in the compliance with local import law exception.)

(i) A, a U.S. contractor, is constructing on a turnkey basis an apartment complex for boycotting country Y. Y instructs A to use only kitchen appliances manufactured by U.S. company B in completing the project. The appliances normally bear the manufacturer's name and trademark.

A may comply, because Y's unilateral and specific selection is of goods identifiable by source in the normal course of business.

(ii) Same as (i), except that Y directs A to use lumber manufactured only by U.S. company C. In the normal course of business, C neither stamps its name on the lumber nor identifies itself as the manufacturer on the packaging.

In addition, normal export packaging does not identify the manufacturer.

A may not comply with Y's selection, because the goods selected are not identifiable by source in the normal course of business when imported into Y.

(iii) B, a U.S. contractor who is a bona fide resident of boycotting country Y, is engaged in building roads. B retains the services of A, a U.S. engineering firm, to assist it in procuring construction equipment. B directs A to purchase road graders only from manufacturer C. C's road graders normally bear C's trademark.

A may comply with B's selection, because the goods selected are identifiable by source in the normal course of business.

(iv) A, a U.S. company, manufacturers computer-operated machine tools. The computers are mounted on a separate bracket on the side of the equipment and are readily identifiable by brand name imprinted on the equipment.

There are five or six U.S. manufacturers of such computers which will function interchangeably to operate the machine tools manufactured by A. B, a resident of boycotting country Y, contracts to buy the machine tools manufactured by A if A incorporates, as the computer drive, a computer manufactured by U.S. company C.

A may comply, because B's designation of this component is a unilateral and specific selection of goods identifiable by source in the normal course of business.

(v) A, a U.S. wholesaler of electronic equipment, receives an order from B, a U.S. manufacturer of radio equipment who is a bona fide resident of boycotting country Y. B orders a variety of electrical components and specifies that all transistors must be purchased from company C, which is not blacklisted by Y. The transistors requested by B do not normally bear the name of the manufacturer; however, they are typically shipped in cartons, and C's name and logo appear on the cartons.

A may comply with B's selection, because the goods selected by B are identifiable as to source by virtue of the containers or packaging used in the normal course of business.

(vi) A, a U.S. computer manufacturer, receives an order for a computer from B, a university in boycotting country Y. B specifies that cetain integrated circuits incorporated in the computer must be supplied by U.S. electronics company C. These circuits are incorporated into the computer and are not visible without disassembling the computer.

A may not comply or agree to comply with B's specific selection of these components, because they are not identifiable in the normal course of business at the time of import into Y.

(vii) A, a U.S. clothing manufacturer, receives an order for shirts from B, a retailer resident in boycotting country Y. B specifies that the shirts are to be manufactured from cotton produced by U.S. farming cooperative C.

A may not comply or agree to comply with B's designation, because C is not the manufacturer whose labels appear in the shirts.

(viii) A, a U.S. contractor, is retained by B, a construction firm located in and wholly-owned by boycotting country Y, to assist B in procuring construction materials. B directs A to purchase a range of materials, including hardware, tools, and trucks. In addition, B directs A to purchase steel beams manufactured by U.S. company C. The name of manufacturer C normally does not appear on the steel itself or on its export packaging.

A may comply with B's selection of the hardware, tools and trucks. A may not comply with B's selection of steel beams, because the goods are not identifiable by trade name, trademark, uniqueness or packaging at the time of their import into Y.

DISCRIMINATION

(i) A, a U.S. paper manufacturer, is asked by boycotting country Y to ship goods to country Y on U.S. vessel B. Y states that the reason for its choice of B is that, unlike U.S. vessel C, B is not owned by persons of a particular faith.

A may not comply or agree to comply with Y's request, because A has reason to know that the purpose of the selection is to effect religious discrimination against a United States person.

(e) *Shipment and transshipment of exports pursuant to a boycotting country's requirements.* (1) Compliance with a boycotting country's requirements regarding shipment and transshipment of exports.

(2) A United States person may comply or agree to comply with the export requirements of a boycotting country with respect to shipments or transshipments of exports to:

(i) A boycotted country;

(ii) Any business concern of a boycotted country;

(iii) Any business concern organized under the laws of a boycotted country; or

(iv) Any national or resident of a boycotted country.

(3) This exception permits compliance with restrictions which a boycotting country may place on direct exports to a boycotted country; on indirect exports to a boycotted country (i.e., those that pass via third parties); and on exports to residents, nationals, or business concerns of a boycotted country located in third countries.

EXAMPLES OF COMPLIANCE WITH A BOYCOTTING COUNTRY'S REQUIREMENTS REGARDING SHIPMENT OR TRANSSHIPMENT OF EXPORTS

The following examples are intended to give guidance in determining when compliance with the export requirements of a boycotting country is permissible. They are illustrative, not comprehensive.

(i) A, a U.S. petroleum company resident in boycotting country Y, exports petroleum products to 20 countries. Country Y's export regulations require that products not be exported from Y to boycotted country X.

A may agree not to export goods from Y to X, because Y's export regulations so require.

(ii) Same as (i), except that Y's export regulations require that goods not be exported from boycotting country Y to any business concern organized under the laws of boycotted country X.

A may agree not to export goods from Y to a business concern organized under the laws of X, even if such concern is located in a country not involved in Y's boycott of X, because A's action is in compliance with Y's export requirements.

(iii) B, the operator of a storage facility in country M, contracts with A, a U.S. carrier, for the shipment of certain goods. A's contract with B contains a provision stating that the goods to be transported may not be shipped or transshipped to boycotted country X. B informs A that this provision is a requirement of C, the manufacturer of the goods who is a resident of boycotting country Y.

A may agree to this provision, because such a provision is required by the export regulations of boycotting country Y.

(iv) A, a U.S. petroleum refiner located in the United States, purchases crude oil from boycotting country Y. A has a branch operation in boycotted country X. Y requires, as a condition of sale, that A agree not to ship or transship the crude oil or products refined therefrom to its branch in X.

A may agree to and comply with these requirements, because they are export shipment or transshipment requirements of Y and A's branch is a business concern of X.

(f) *Passport, immigration, or visa requirements of a boycotting country.* (1) Compliance with passport, immigration, or visa requirements of a boycotting country.

(2) A United States individual may comply or agree to comply with the immigration, passport, or visa requirements of a boycotting country, and may respond to requests for information from a boycotting country made to ascertain whether such individual meets the requirements for employment within the boycotting country: *Provided*, That:

(i) The United States individual furnishes information only about himself or a member of his family. For purposes of this section, a "United States individual" means persons who are residents, nationals, or citizens of the United States. "Family" means immediate family members, including parents, siblings, spouse, children, and other dependents living in the individual's home; and

(ii) The United States individual does not furnish information about any other United States individual, including his employees, employers, and co-workers.

(3) A United States person may not furnish information about his employees or executives, but may allow any United State individual to respond to any request for information relating to passport, immigration, or visa requirements. A United States person may also perform any ministerial acts reasonably calculated to expedite processing of applications by individuals. These acts include informing its employees of boycotting country visa requirements at an appropriate time; typing, translation, messenger or similar services; and urging the boycotting country to expedite the processing of a particular individual's application. A United States person may not, however, submit lists describing prospective employees to a boycotting country for screening purposes. Further, all actions by the United States person must be undertaken on a non-discriminatory basis, and in a manner which does not prejudice the individual's application in any way.

EXAMPLES OF COMPLIANCE WITH PASSPORT, IMMIGRATION OR VISA REQUIREMENTS OF A BOYCOTTING COUNTRY

The following examples are intended to give guidance in determining when compliance with passport, immigration, or visa requirements is permissible. They are illustrative, not comprehensive.

(i) A, a U.S. individual employed by B, a U.S. manufacturer of sporting goods with a plant in boycotting country Y, wishes to obtain a work visa so that he may transfer to the plant in Y.

Country Y's immigration laws specify that anyone wishing to enter the country or obtain a visa to work in the country must supply information as to his religion.

A may furnish such information, because it is required by Y's immigration laws and because it is information regarding employment.

(ii) Same as (i), except the information is also requested about the principals of B.

A may not supply this information, because it is not information about himself or his family.

(iii) A, a U.S. building contractor, has been awarded a construction contract to be performed in boycotting country Y. Y's immi-

gration laws require that individuals applying for visas must indicate race, religion, and place of birth. To avoid repeated rejections of applications for work visas by A's employees, A desires to furnish country Y a list of its current employees and required information about each so that Y can make an initial screening.

A may not furnish such a list, because A is thereby furnishing information about another with respect to race, religion, and national origin.

(iv) Same as (iii), except that A selects for work on the project those of its current employees whom it believes will be granted work visas from boycotting country Y.

A may not make a selection from among its employees in a manner designed to comply with the visa requirements of Y, but must allow all eligible employees to apply for visas. A may later substitute an employee who obtains the necessary visa for one who has had his application rejected.

(v) Same as (iii), except that A selects employees for the project and then allows each employee individually to apply for his own visa. Two employees' applications are rejected, and A then substitutes two other employees who, in turn, submit their own visa applications.

A may take such action, because in so doing A is not acting in contravention of any prohibition of this Part.

(vi) Same as (v), except that A arranges for the translation, typing and processing of its employees' applications, and transmits all the applications to the consulate of boycotting country Y.

A may take such ministerial actions, because in so doing A is not "furnishing information with respect to race, religion, sex, or national origin."

(vii) A, a U.S. contractor, is a bona fide resident of boycotting country Y. B is a U.S. subcontractor selected by A to perform certain engineering services in connection with A's project in Y. The work visa application submitted by the employee B has proposed as chief engineer of this project is rejected by Y because his national origin is of boycotted country X. Subcontractor B thereupon withdraws.

A may continue with the project and select another subcontractor, because A's actions do not contravene any prohibition of this part.

(g) *Compliance With Local Law*—(1) This exception contains two parts. The first covers compliance with local law with respect to a United States person's activities exclusively within a foreign country; the second covers compliance with local import laws by United States persons resident in a foreign country.

(2) Activities exclusively within a Foreign Country: Any United States person who is a *bona fide* resident of a foreign country, including a boycotting country, may comply or agree to comply with laws of that country with respect to his activities exclusively within that country. These activities include:

(i) Entering into contracts which provide that local law applies or governs and that the parties will comply with such laws;

(ii) Employing residents of the host country;

(iii) Retaining local contractors to perform work within the host country;

(iv) Purchasing or selling goods or services from or to residents of the host country; and

(v) Furnishing information within the host country.

(3) This exception applies whether the laws of the host country are derived from statutes, regulations, decrees, or other official sources having the effect of law. It is not available for compliance with presumed policies or understandings of policies unless those policies are reflected in official sources having the effect of law. Moreover, this part of the exception does not apply to compliance with local import laws with respect to the import of goods or services from outside the host country.

(4) For purposes of this exception, a United States person will be deemed to be a resident of a boycotting country only if he is a bona fide resident. Factors that will be considered in determining whether a United States person is a bona fide resident of a boycotting country include:

(i) Physical presence in the country;

(ii) Whether residence is needed for legitimate business reasons;

(iii) Continuity of the residency;

(iv) Intent to maintain the residency;

(v) Prior residence in the country;

(vi) Size and nature of presence in the country;

(vii) Whether the person is registered to do business or incorporated in the country;

(viii) Whether the person has a valid work visa; and

(ix) Similar presence in a non-boycotting foreign country in connection with similar business activities.

(5) None of these factors are dispositive. All of the circumstances involved will be closely examined to ascertain whether there is, in fact, bona fide residency. Residency established solely for purposes of avoidance of the application of this Part, unrelated to legitimate business needs, does not constitute bona fide residency.

(6) A United States person who is a bona fide resident of a foreign country may comply or agree to comply with host country law with respect to his activities in that country even if he knows or has reason to know that particular laws are boycott-related. However, no United States person may comply or agree to comply with any host country law which would require him to discriminate against any United States person on the basis of race, religion, sex, or national origin, or to supply information about any United States person's race, religion, sex, or national origin.

EXAMPLES OF PERMISSIBLE COMPLIANCE WITH LOCAL LAW WITH RESPECT TO ACTIVITIES EXCLUSIVELY WITHIN A FOREIGN COUNTRY

The following examples are intended to give guidance in determining whether compliance with local law is permissible. They are illustrative, not comprehensive.

UNITED STATES PERSON RESIDENT IN A FOREIGN COUNTRY

(i) A, a U.S. radio manufacturer located in the United States, receives a tender to bid on a contract to supply radios for a hotel to be built in boycotting country Y. After examining the proposal, A sends a bid from its New York offices to Y.

A is not a resident of Y, because it is not physically present in Y.

(ii) Same as (i) except that after receiving the tender, A sends its sales representative to Y. A does not usually have sales representatives in countries when it bids from the United States, and this particular person's presence in Y is not necessary to enable A to make the bid.

A is not a bona fide resident of Y, because it has no legitimate business reasons for having its sales representative resident in Y.

(iii) A, a U.S. bank, wishes to establish a branch office in boycotting country Y. In pursuit of that objective, A's personnel visit Y to make the necessary arrangements. A intends to establish a permanent branch office in Y after the necessary arrangements are made.

A's personnel in Y are not bona fide residents of Y, because A does not yet have a permanent business operation in Y.

(iv) Same as (iii), except A's personnel are required to furnish certain non-discriminatory boycott information in order to establish a branch in Y.

In these limited circumstances, A's personnel may furnish the non-discriminatory boycott information necessary to establish residency, to the extent a U.S. person who is a bona fide resident in that country could. If this nformation could not be furnished in such limited circumstances, the exception would be available only to firms resident in a boycotting country before the effective date of this part.

(v) A, a U.S. construction company, receives an invitation to build a power plant in boycotting country Y. After receipt of the invitation, A's personnel visit Y in order to survey the site and make necessary analyses in preparation for submitting a bid. The invitation requires that otherwise prohibited boycott information be furnished with the bid.

A's personnel in Y are not bona fide residents of Y, because A has no permanent business operation in Y. Therefore, A's personnel may not furnish the prohibited information.

(vi) Same as (v), except that A is considering establishing an office in boycotting country Y. A's personnel visit Y in order to register A to do business in that country. A intends to establish ongoing construction operations in Y. A's personnel are required to furnish certain non-discriminatory boycott information in order to register A to do business or incorporate a subsidiary in Y.

In these limited circumstances, A's personnel may furnish non-discriminatory boycott information necessary to establish residency, to the extent a U.S. person who is a bona fide resident in that country could. If this information could not be furnished in such limited circumstances, the exception would be available only to firms resident in a boycotting country before the effective date of this part.

(vii) A, a subsidiary of U.S. oil company B, is located in boycotting country Y. A has been engaged in oil explorations in Y for a number of years.

A is a *bona fide* resident of Y, because of its pre-existing continuous presence in Y for legitimate business reasons.

(viii) Same as (vii), except that A has just been established in Y and has not yet begun operations.

A is a bona fide resident of Y, because it is present in Y for legitimate business reasons and it intends to reside continuously.

(ix) U.S. company A is a manufacturer of prefabricated homes. A builds a plant in boycotting country Y for purposes of assembling components made by A in the United States and shipped to Y.

A's personnel in Y are bona fide residents of Y, because A's plant in Y is established for legitimate business reasons and it intends to reside continuously.

(x) U.S. company A has its principal place of business in the United States. A's sales agent visits boycotting country Y from time to time for purposes of soliciting orders.

A's sales agent is not a bona fide resident of Y, because such periodic visits to Y are insufficient to establish a bona fide residency.

(xi) A, a branch office of U.S. construction company B, is located in boycotting country Y. The branch office has been in existence for a number of years and has been performing various management services in connection with B's construction operations in Y.

A is a bona fide resident of Y, because of its longstanding presence in Y and its conduct of ongoing operations in Y.

(xii) U.S. construction company A has never done any business in byocotting country Y. It is awarded a contract to construct a hospital in Y, and preparatory to beginning construction, sends its personnel to Y to set up operations.

A's personnel are bona fide residents of Y, because they are present in Y for the purpose of carrying out A's legitimate business purposes, they intend to reside continuously, and residency is necessary to conduct their business.

(xiii) U.S. company A manufactures furniture. All of its sales in foreign countries are conducted from its offices in the United States. From time to time A has considered opening sales offices abroad, but it has concluded that it is more efficient to conduct sales operations from the United States. Shortly after the effective date of this part, A sends a sales representative to boycotting country Y to open an office in and solicit orders from Y. It is more costly to conduct operations from that office than to sell directly from the United States, but A believes that if it establishes a residence in Y, it will be in a better position to avoid conflicts with U.S. law in its sales to Y.

A's sales representative is not a bona fide resident of Y, because A's motivation in opening the office in Y was the avoidance of U.S. law rather than legitimate business reasons.

(xiv) Same as (xiii) except that it is in fact more efficient to have a sales office in Y. In fact, without a sales office in Y, A would find it difficult to explore business opportunities in Y. A is aware, however, that residency in Y would permit its sales representative to comply with Y's boycott laws.

A's sales representative is a bona fide resident of Y, because A has a legitimate business reason for establishing a sales office in Y.

(xv) U.S. shipping company A has its principal place of business in the United States. Shortly after the effective date of this part, A establishes an office in boycotting country Y. From that office, A arranges for the shipment of goods from the United States to Y. It is more costly to conduct this operation from Y than from the United States, but A believes that its personnel in Y will have greater latitude in complying with Y's boycott laws by virtue of their presence in Y.

A's personnel in Y are not bona fide residents of Y, because A's motivation for establishing an office in Y was avoidance of U.S. law rather than legitimate business reasons.

(xvi) U.S. company B is a computer manufacturer. B sells computers and related programming services tailored to the needs of individual clients. Because of the complex nature of the product, B must have sales representatives in any country where sales are made. B has a sales representative, A, in boycotting country Y. A spends two months of the year in Y, and the rest of the year in other countries. B has a sales office from which A operates while in Y, and the sales office is stocked with brochures and other sales materials.

A is a bona fide resident of Y, because his presence in Y is necessary to carry out B's legitimate business purposes, B maintains a permanent office in Y, and B intends to continue doing business in Y in the future.

(xvii) A, a U.S. construction engineering company, is engaged by B, a U.S. general contracting company, to provide services in connection with B's contract to construct a hospital complex in boycotting country Y. In order to perform those services, A's engineers set up a temporary office in a trailer on the construction site in Y. A's work is expected to be completed within six months.

A's personnel in Y are bona fide residents of Y, because A's on-site office is necessary to the performance of its services for B and because A's personnel are continuously there.

(xviii) A, a U.S. computer company, has a patent and a trademark registered in the United States. In order to obtain registration of its patent and trademark in boycotting country Y, A is required to furnish certain non-discriminatory boycott information.

A may not furnish the information, because A is not a resident of Y.

(xix) Same as (xviii), except that A's branch B, a bona fide resident of boycotting country Y, is asked to furnish the non-discriminatory boycott information required for A to complete its registration of the patent and trademark.

B may furnish the non-discriminatory boycott information necessary to obtain registration of A's patent and trademark, because B is a bona fide resident of Y for legitimate business purposes, and compiles and furnishes the requested information from its own knowledge and within Y.

(xx) A, a U.S. company, sends one of its representatives to boycotting country Y to explore new sales possibilities for its line of transistor radios. After spending several weeks in Y, A's representative rents a post office box in Y, to which all persons interested in A's products are directed to make inquiry.

A is not a bona fide resident of Y, because rental of a post office box is not a sufficient presence in Y to constitute residency.

ACTIVITIES EXCLUSIVELY WITHIN A FOREIGN COUNTRY

(i) U.S. construction company A, a bona fide resident of boycotting country Y, has a contract to build a school complex in Y. Pursuant to Y's boycott laws, the contract requires A to refuse to purchase supplies from certain local merchants. While Y permits such merchants to operate within Y, their freedom of action in Y is constrained because of their relationship with boycotted country X.

A may enter into the contract, because dealings with local merchants are activities exclusively within Y.

(ii) A, a subsidiary of U.S. company B, is a bona fide resident of boycotting country Y. A is a bank, and from time to time purchases office supplies from the United States.

A's purchase of office supplies is not an activity exclusively within Y, because it involves the import of goods from abroad.

(iii) A, a branch of U.S. bank B, is a bona fide resident of boycotting country Y. Under Y's boycott laws, A is required to supply information about whether A has any dealings with boycotted country X. A compiles and furnishes the information within Y and does so of its own knowledge.

A may comply with that requirement, because in compiling and furnishing the information within Y, based on its own knowledge, A is engaging in an activity exclusively within Y.

(iv) Same as (iii) except that A is required to supply information about B's dealings with X. From its own knowledge and without making any inquiry of B, A compiles and furnishes the information.

A may comply with that requirement, because in compiling and furnishing the information within Y, based on its own knowledge, A is engaging in an activity exclusively within Y.

(v) Same as (iv), except that in making its responses, A asks B to compile some of the information.

A may not comply, because the gathering of the necessary information takes place partially outside of Y.

(vi) U.S. company A has applied for a license to establish a permanent manufacturing facility in boycotting country Y. Under Y's boycott law, A must agree, as a condition of the license, that it will not sell any of its output to blacklisted foreign firms.

A may not comply, because the agreement would govern activities of A which are not exclusively within Y.

DISCRIMINATION AGAINST UNITED STATES PERSONS

(i) A, a subsidiary of U.S. company B, is a bona fide resident of boycotting country Y. A manufactures air conditioners in its plant in Y. Under Y's boycott laws, A must agree not to hire citizens of boycotted country X.

A may agree to the restriction and may abide by it with respect to its recruitment of individuals within Y, because the recruitment of such individuals is an activity exclusively within Y. However, A cannot abide by this restriction with respect to its recruitment of individuals outside of Y, because this is not an activity exclusively within Y.

(ii) Same as (i), except that pursuant to Y's boycott laws A must agree not to hire anyone who is of a designated religion.

A may not agree to this restriction, because the agreement calls for discrimination against U.S. persons on the basis of religion. It makes no difference whether the recruitment of the U.S. persons occurs within or without Y.

NOTE.—The exception for compliance with local law does not apply to boycott-based refusals to employ U.S. persons on the basis of race, religion, sex, or national origin even if the activity is exclusively within the boycotting country.

(7) Compliance with local import law: Any United States person who is a bona fide resident of a foreign country, including a boycotting country, may, in importing goods, materials or components into that country, comply or agree to comply with the import laws of that country: *Provided*, That:

(i) The items are for his own use or for his use in performing contractual services within that country; and

(ii) The items are, in the normal course of business, identifiable as to their source or origin at the time of their entry into the boycotting country by (*a*) uniqueness of design or appearance; or (*b*) trademark, trade name, or other identification normally on the product itself, or its packaging.

(8) It has been determined that this exception is necessary at the present time for all United States persons quali-

fying as bona fide residents of a foreign country, in order to avoid serious adverse economic consequences for the United States, as well as political consequences for the United States in its relations with other countries. However, the availability of the exception will be continually reviewed and carefully scrutinized. If circumstances indicate that its availability in particular instances is not necessary to avoid serious adverse economic consequences for the United States, or to avoid political consequences for the United States in its relations with other countries, it will be limited as appropriate. With respect to this and other provisions of this part, the Department of Commerce will provide advisory opinions on a case-by-case basis as to the applicability of the regulations in particular circumstances not covered by this part.

(9) This exception pertains to what is permissible for a United States person who is a bona fide resident of a foreign country. The exception for unilateral selection pertains to what a United States person who is the recipient of an order from a boycotting country or its residents may do.

(10) For purposes of this exception, a United States person will be deemed to be a resident of a boycotting country only if he is a bona fide resident. Factors that will be considered in determining whether a United States person is a bona fide resident of a boycotting country include:

(i) Physical presence in the country;

(ii) Whether residence is needed for legitimate business reasons;

(iii) Continuity of the residency;

(iv) Intent to maintain the residency;

(v) Prior residence in the country;

(vi) Size and nature of presence in the country;

(vii) Whether the person is registered to do business or incorporated in the country;

(viii) Whether the person has a valid work visa; and

(ix) Similar presence in a non-boycotting foreign country in connection with similar business activities.

None of these factors are dispositive. All of the circumstances involved will be closely examined to ascertain whether there is, in fact, bona fide residency. Residency established solely for purposes of avoidance of the application of this Part, unrelated to legitimate business needs, does not constitute bona fide residency.

(11) Bona fide residence of United States company's subsidiary, affiliate, or branch office, in a foreign country does not confer such residence on its United States parent, affiliate, or headquarters office. Likewise, bona fide residence of a United States company's employee in a foreign country does not confer such residence on his employer.

(12) A United States person who is a bona fide resident in a foreign country may take action under this exception through an agent outside of the country, but the agent must act at the direction of the resident and not exercise his own discretion. Therefore, if a United States person resident in a boycotting country takes action to comply with a boycotting country's import law with respect to the importation of qualified goods, he may direct his agent in the United States on the action to be taken, but the United States agent himself may not exercise any discretion.

(13) This exception applies whether the laws of the host country are derived from statutes, regulations, decrees, or other official sources having the effect of law. It is not available for compliance with presumed policies or understandings of policies unless those policies are reflected in official sources having the effect of law.

(14) For purposes of this exception, the test that governs the identifiability of goods is identical to the test applied in the unilateral selection exception.

(15) The availability of this exception for the import of goods does not depend upon who has title to the goods at the time of importation into a foreign country. The governing consideration is whether the goods are intended for a qualified person's own use at the time they are imported.

(16) Goods are intended for the United States person's own use if:

(i) They are to remain permanently in the United States person's possession for use in his business operation;

(ii) They are to be placed in work in process inventory and later incorporated into another product;

(iii) They are to be used by the United States person to perform contractual services for another;

(iv) They are to be incorporated into another product or project to be manufactured or constructed for another; or

(v) They are to be placed in general inventory for subsequent resale.

(17) Goods are not intended for the United States person's own use if they are acquired in order to fill an order for such goods from another.

(18) This part of the local law exception does not apply to the import of services, even when the United States person importing such services is a bona fide resident of a boycotting country and is importing them for his own use. Further, this exception is not available to permit a United States person who is a bone fide resident of a boycotting country to act as a procurement agent for another. In addition, this exception is available for a United States person who is a bona fide resident of a foreign country only when the individual or entity actually present within that country takes action through the exercise of his own discretion.

(19) A United States person who is a bona fide resident of a foreign country may comply or agree to comply with the host country's import laws even if he knows or has reason to know that particular laws are boycott-related. However, no United States person may comply or agree to comply with any host country law which would require him to discriminate against any United States person on the basis of race, religion, sex, or national origin, or to supply information about any United States person's race, religion, sex, or national origin.

EXAMPLES OF PERMISSIBLE COMPLIANCE WITH LOCAL IMPORT LAW

The following examples are intended to give guidance determining whether compliance with local import law is permissible. They are illustrative, not comprehensive.

U.S. PERSON RESIDENT IN A FOREIGN COUNTRY

(The test and examples as to what constitutes bona fide residency in a foreign country are identical to those applicable under the first part of the local law exception. See the first part of the local law exception.)

COMPLIANCE BY A U.S. PERSON RESIDENT

(i) A, a subsidiary of U.S. company B, is a bona fide resident of boycotting country Y and is engaged in oil drilling operations in Y. In acquiring certain large, specifically identifiable products for carrying out its operations in Y, A chooses only from non-blacklisted firms because Y's import laws prohibit the importation of goods from blacklisted firms. However, with respect to smaller items, B makes the selection on behalf of A and sends them to A in Y.

A may choose from non-blacklisted firms, because it is a U.S. person who is a bona fide resident in Y. B may not make such selections, however, because B is not resident in Y.

(ii) Same as (i) except that after making its choices on the larger items, A directs B to carry out its instructions by entering into appropriate contracts and making necessary shipping arrangements.

B may carry out A's instructions provided that A, a bona fide resident of Y, has in fact made the choice and B is exercising no discretion, but is acting only as A's agent.

NOTE.—Such transactions between related companies will be scrutinized carefully. A must in fact exercise the discretion and make the selections. If discretion is exercised by B, B would be in violation of this part.

(iii) U.S. construction company A has a contract to build a school in boycotting country Y. A's employees set up operations in Y for purposes of commencing construction. A's employees in Y advise A's headquarters in the United States that Y's import laws prohibit importation of goods manufactured by blacklisted firms. A's headquarters then issues invitations to bid only to non-blacklisted firms for certain specifically identifiable goods.

A's headquarters' choice of non-blacklisted suppliers is not a choice made by a U.S. person who is a *bona fide* resident of Y, because the discretion in issuing the bids was exercised in the United States not in Y.

(iv) Same as (iii), except that A's employees in Y actually make the decision regarding to whom the bids should be issued.

The choices made by A's employees are choices made by U.S. persons who are bona fide residents of Y, because the discretion in choosing was exercised solely in Y.

NOTE.—Choices purportedly made by employees of U.S. companies who are resident in Y will be carefully scrutinized to ensure that the discretion was exercised entirely in Y rather than outside of Y.

SPECIFICALLY IDENTIFIABLE GOODS

(The test and examples as to what constitutes specifically identifiable goods are identical to those applicable under the unilateral selection exception. See the unilateral selection exception.)

IMPORTS FOR U.S. PERSON'S OWN USE

(i) A, a subsidiary of U.S. company B, is a bona fide resident of boycotting country Y. A plans to import computer operated ma-

chine tools to be installed in its automobile plant in boycotting country Y. The computers are mounted on a separate bracket on the side of the equipment and are readily identifiable by brand name. A orders the tools from U.S. supplier C and specifies that C must incorporate computers manufactured by D, a non-blacklisted company. A would have chosen computers manufactured by E, except that E is blacklisted, and Y's import laws prohibit the importation of goods manufactured by blacklisted firms.

A may refuse to purchase E's computers, because A is importing the computers for its own use in its manufacturing operations in Y.

(ii) A, a subsidiary of U.S. company B, is a bona fide resident of boycotting country Y. To meet the needs of its employees in Y, A imports certain specifically identifiable commissary items for sale, such as cosmetics; and canteen items, such as candy. In selecting such items for importation into Y, A chooses items made only by non-blacklisted firms, because Y's import laws prohibit importation of goods from blacklisted firms.

A may import these items only from non-blacklisted firms, because the importation of goods for consumption by A's employees is an importation for A's own use.

(iii) A, a U.S. construction company which is a bona fide resident of boycotting country Y, has a contract to build a hospital complex for the Ministry of Health in Y. Under the contract, A will be general manager of the project with discretion to choose all subcontracts and suppliers. The complex is to be built on a turnkey basis, with A retaining title to the property and bearing all financial risk until the complex is conveyed to Y. In choosing specifically identifiable goods for import, such as air conditioning units and plate glass, A excludes blacklisted suppliers in order to comply with Y's import laws. In addition, in choosing U.S. architects and engineers to work on the project, A excludes blacklisted firms, because Y's import laws prohibit the use of services rendered by blacklisted persons.

A may refuse to deal with suppliers of specifically identifiable goods, because importation of goods for incorporation into a construction project in Y is an importation of goods for Y's own use. However, A may not refuse to deal with blacklisted architectural or engineering firms, because this exception does not apply to the import of services. It is irrelevant that, at some stage, the architectural or engineering drawings or plans may be brought to the site in Y. This factor is insufficient to transform such services into "goods" for purposes of this exception.

(iv) Same as (iii) except that the project is to be completed on a "cost plus" basis, with Y making progress payments to A at various stages of completion.

A may refuse to deal with blacklisted suppliers of specifically identifiable goods, because the importation of goods by A in order to carry out contractual services is an importation of goods for its own use.

(v) A, a subsidiary of U.S. automobile manufacturing company B, is a bona fide resident of boycotting country Y, and is in the business of selling automobiles at retail. A orders automobiles from time to time from B for purposes of stocking its inventory. Retail sales are subsequently made from this inventory.

A's import of automobiles from B is an import for A's own use, because the importation of items for general inventory in a retail sales operation is an importation for one's own use.

(vi) A, a U.S. management company which is a bona fide resident of boycotting country Y, has a contract with the Ministry of Education in Y to purchase supplies for Y's school system. From time to time, A purchases goods from abroad for delivery to various schools in Y.

A's purchase of goods for Y's school system does not constitute an importation of goods for A's own use, because A is acting as a procurement agent for another.

(vii) A, a U.S. company which is a bona fide resident of boycotting country Y, has a contract to make purchases for Y in connection with a construction project in Y. A is not engaged in the construction or in any other activity in connection with the project. A's role is merely to purchase goods for Y and arrange for their delivery to Y.

A is not purchasing goods for its own use, because A is acting as a procurement agent for Y.

USE WITHIN THE BOYCOTTING COUNTRY

(i) A is a bona fide resident of boycotting countries Y and Z. In compliance with Y's boycott laws, A chooses specifically identifiable goods for its oil drilling operations in Y and Z by excluding blacklisted suppliers. The goods are first imported into Y, then those purchased for A's use in Z are transshipped to Z.

In selecting those goods for importation into Y, A is making an import selection for its own use. Further, the subsequent export from Y of those goods purchased for use in Z, is an import into Z for A's own use.

§ 369.4 Evasion.

No United States person may engage in any transaction or take any action, either independently or through any other person, with intent to evade the provisions of this part. Activities which are not intended to fall within the exceptions set forth in this part will not be treated as excepted activities. Likewise, a course of conduct or pattern of responses which consist of activities or agreements outside the intent of the exceptions will not be treated as coming within the exceptions. Accordingly, an action may be both a violation of a prohibition of this Part as well as evasion under this section. However, activities within the coverage and intent of the exceptions set forth in this part will not be deemed to constitute evasion of this part even if such activities are repeated and constitute a course of conduct.

EXAMPLES OF EVASION

The following examples are intended to give guidance to persons in determining when this section will apply. They are illustrative, not comprehensive.

(i) A, a U.S. insurance company, receives a request from boycotting country Y asking whether it does business in boycotted country X. Because furnishing such information is prohibited, A declines to answer and as a result is placed on Y's blacklist. The following year, A's annual report contains new information about A's worldwide operations, including a list of all countries in which A does business. A then mails a copy of its annual report, which has never before contained such information, to officials of the government of country Y.

Absent some business justification unrelated to the boycott for changing the annual report in this fashion, A's action constitutes evasion of this Part.

(ii) A, a U.S. construction firm resident in boycotting country Y, orders 10,000 board feet of lumber from U.S. company B. A unilaterally selects B in part because U.S. lumber producer C is blacklisted by country Y and C's products are therefore not importable. In placing its order with B, A requests that B stamp its name or logo on the lumber so that A "can be certain that it is, in fact, receiving B's products." B does not normally so stamp its lumber.

Absent additional facts justifying A's action, A's action constitutes evasion of this part.

(iii) A, a U.S. company located in country M, is a wholly-owned subsidiary of B, a U.S. manufacturer of machines. A normally receives machines from B fully assembled, inventories them, and subsequently resells them within the marketing region of the world in which A is located. A receives a large order from C, a resident of boycotting country Y, which requires that A certify that it does not have a plant in boycotted country X. A refuses to so certify, and C cancels the order. A then requests its parent company B, to thereafter ship machines unassembled so that A can subsequently fill such orders from the inventory of machines assembled by A. Such sales out of A's inventory would not normally fall within the definition of "activities in the interstate or foreign commerce of the United States."

A's action constitutes evasion of this Part.

(iv) A, a U.S. engineering firm that is not a resident of boycotting country Y, establishes an office and a mailing address in Y, stocks its office with supplies, prints stationery with a mailing address in Y, hires two full-time clerical personnel, and registers to do business in Y. From time to time, when A needs to import materials for its own use in connection with a project in country Y, an employee of A's home office in the United States visits A's office in country Y. While physically present in Y, A's employee orders supplies and materials, selecting only non-blacklisted suppliers.

A's action constitutes evasion of this Part.

(v) A, a U.S. contractor which has not previously dealt with boycotting country Y, is awarded a construction contract by Y. Because it is customary in the construction industry for a contractor to establish an on-site facility for the duration of the project, A establishes such an office, which satisfies the requirements for bona fide residency. Thereafter, A's office in Y takes a number of actions permitted under the compliance with local law exception.

A's actions do not constitute evasion, because A's facility in Y was established for legitimate business reasons and satisfies the test for bona fide residency.

§ 369.5 Grace period.

(a) Grace period mechanism. (1) The application of the rules and regulations issued pursuant to this Part shall, for written contracts or other agreements entred into by any United States person on or before May 16, 1977, be delayed until December 31, 1978.

(2) It is recognized that, as a normal business practice, written contracts or other agreements may be entered into in advance of the time of performance, and may be of substantial duration. It is also recognized that United States persons may, in good faith, have entered into agreements prior to May 16, 1977, that permit or require activities subsequently prohnbited by this part. Accordingly, this section delays until December 31, 1978, the application of the rules and regulations of this Part to written contracts and other agreements entered into by United States persons on or before May 16, 1977.

(3) This grace period may be extended by the Secretary of Commerce on a case-by-case basis for a period or periods totaling not longer than one year (to December 31, 1979): *Provided*, That:

(i) Good faith efforts are being made to renegotiate the contract or agreement to eliminate the provisions which are inconsistent with the rules and regulations of this part; and

(ii) Application for any extension is made, in writing, to the Deputy Assistant Secretary for Domestic Commerce, United States Department of Commerce, Washington, D.C. 20230.

(4) Each application must be in writing and contain a complete statement of al lthe facts and circumstances related to the application, as well as a full and precise statement of why the applicant believes his extension should be granted. Any additional evidence or documentation which the applicant believes will support his position should be submitted.

(5) The decision of the Deputy Assistant Secretary will be the final decision for the Department, and will be issued to the applicant in writing. In reaching such decision, the Deputy Assistant Secretary may consult with representatives of government agencies and members of the public as he deems appropriate.

(6) For purposes of this section, good faith efforts may include:

(i) Ongoing negotiations, even if no actual agreement has been reached, if it appears that the parties are striving for such agreement; or

(ii) Compliance in fact by the United States person with the rules and regulations of this Part, even if the language of the contract or agreement has not yet been changed; or

(iii) Documentation that efforts are being made to bring the contract or agreement into compliance with the rules and regulations of this part.

No extensions may be granted past December 31, 1979.

EXAMPLES OF THE GRACE PERIOD MECHANISM

The following examples are intended to give guidance in determining the applicability of the grace period mechanism. They are illustrative, not comprehensive.

(i) A, a U.S. manufacturer, entered into a contract on March 13, 1977, to supply medical equipment not later than June 20, 1978, to B, a state-owned hospital of boycotting country Y. Under the terms of the contract, A is not permitted to purchase electrical components for the equipment from supplier C, who is blacklisted by country Y.

A may comply with the terms of the contract after the effective date of this part, because the contract was entered into on or before May 16, 1977, and the prohibited action would take place during the grace period.

(ii) Same as (i), except that the contract requires annual deliveries of medical equipment on June 20, 1978, June 20, 1979, and June 20, 1980.

If A has made good faith efforts to renegotiate the contract to eliminate the provisions inconsistent with this part, A may apply for and the Deputy Assistant Secretary of Commerce may grant an extension of the grace period through December 31, 1979.

(iii) Same as (ii), except that A has been granted an extension of the grace period through December 31, 1979.

A may not receive any further extensions and may not take any action after December 31, 1979, which is inconsistent with this part.

(iv) A, a U.S. management firm, entered into a services contract on May 1, 1977, with B, a retail chain in boycotting country Y. Subsequent to May 16, 1977, but before December 31, 1978, the payment schedule and other provisions of the contract unrelated to the boycott are amended by the parties.

If the grace period applied to the original contract, the applicability of the grace period is not altered when amendments to the contract or agreement are made for business reasons after May 16, 1977.

(v) A, a U.S. aircraft manufacturer, entered into an agreement with boycotting country Y on September 15, 1977, after the May 16, 1977, date for qualifying for the grace period but before the effective date of this part.

A's contract does not qualify for grace period treatment, and A may not take any action pursuant to the September 15, 1977, contract after the effective date of this part if such action would be inconsistent with this part.

(vi) A, a U.S. computer manufacturer, entered into a licensing agreement with boycotting country Y in 1974. Pursuant to that agreement, A agreed not to open a manufacturing plant in boycotted country X for a period of 10 years.

Absent an extension of the grace period, A may not act in compliance with this contract provision after December 31, 1978. Although A has no affirmative obligation to open a plant in X, any decision after December 31, 1978, not to open a plant in X because of A's agreement with Y would constitute a refusal to deal with X.

(vii) A, a U.S. distributor, has been negotiating with boycotting country Y since April of 1977 over terms of a proposed contract. Final agreement is not reached and a contract is not signed until May 31, 1977.

The contract does not qualify for grace period treatment, and A may ont backdate the contract to May 16, 1977, to take advantage of the grace period.

(viii) Same as (vii), but although the final agreement is concluded on May 10, 1977, the written instrument is not signed until May 20. The agreement was legally enforceable on May 10.

The agreement qualifies for grace period treatment.

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FRIDAY, SEPTEMBER 23, 1977

PART VIII

CIVIL AERONAUTICS BOARD

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DELIBERATE OVERBOOKING AND OVERSALES

Reexamination of Board's Policies

CIVIL AERONAUTICS BOARD

[14 CFR Part 250]

[EDR-334; Docket No. 29139]

REEXAMINATION OF THE BOARD'S POLICIES CONCERNING DELIBERATE OVERBOOKING AND OVERSALES

Notice of Proposed Rulemaking

SEPTEMBER 1, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Proposed rule.

SUMMARY: The Board is proposing rules designed to minimize the involuntary "bumping" of passengers holding confirmed reservations on oversold flights. The new rules would increase the amount of compensation the airline must offer to bumped passengers, broaden the eligibility for compensation, and require airlines to seek volunteers for denied boarding before bumping an unwilling passenger. In addition, carriers are being encouraged to develop and experiment with alternate plans to eliminate involuntary bumping. This proceeding was begun in April 1976 on the Board's own initiative.

DATES: Comments by: November 7, 1977.

ADDRESSES: Interested persons may file comments in this rulemaking by submitting 20 copies of written data, views, or arguments addressed to Docket 29139, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so by submitting comments in letter form to the same address, without having to file additional copies. Docket comments may be examined at the Docket Section, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Robert Kneisley, Office of the General Counsel, Civil Aeronautics Board, 202-673-5442.

SUPPLEMENTARY INFORMATION: By Advance Notice of Proposed Rulemaking EDR-296,[1] the Civil Aeronautics Board announced that it as undertaking, for the first time in nearly ten years, a complete reexamination of its policies toward deliberate overbooking and oversales.[2] At that time the Board had not formed any conclusions about the ultimate shape of its regulatory policy in these matters, but did express its concern that the rate of oversales (denied boarding of passengers holding confirmed reservations, i.e. "bumping") appeared to be rising in recent years. Comment was invited from carriers, travel agents, government and consumer organizations, and members of the general public on a broad range of policy choices to deal with the problem of oversales. Included for consideration were such measures as a possible prohibition of the practice of deliberate overbooking, institution of various "no-show" controls, alternative types of reservations such as "guaranteed" and "conditional" reservations, and changes in the existing system of compensating passengers who are denied boarding.

Comments were filed by 22 air carriers and organizations, and over two hundred individuals, including several members of Congress. The comments expressed a wide variety of opinion on the available options and have been given thoughtful consideration by the Board.

After a thorough review of the many comments and other relevant matters, we have tentatively determined to require carriers to alter their procedures for selecting and compensating "bumped" passengers to ensure that "involuntary" bumping is minimized. While we are not at this time proposing to prohibit deliberate overbooking as an unfair or deceptive practice, we are expressly reserving that possibility for future action should our new rules prove ineffective in greatly reducing the personal hardship resulting from oversales. We are proposing rules designed to meet that goal, principally consisting of an increase in denied boarding compensation, the elimination of certain exceptions to the compensation rule, and a requirement that carriers seek volunteers for denied boarding before bumping an unwilling passenger. In addition, we are inviting carriers to initiate and experiment with alternative methods to prevent involuntary bumping. This could be accomplished either at the time of flight through alternative procedures for selecting and compensating bumped passengers or at the time the ticket is purchased by distinguishing passengers who are willing to accept a greater risk of denied boarding.

Before proceeding to a detailed discussion of our proposal we turn to a review of the background of this proceeding and then to an examination of the comments received.

I. BACKGROUND

The present proceeding may be better understood by a brief discussion of the overbooking and no-show problems, in general, and a review of the past responses of the airline industry and the Board to these problems.

According to the carriers, overbooking is employed to offset potentially empty seats due to "no-shows" and "reservations turnover." A no-show is a passenger who neither utilizes his confirmed reservation nor cancels the space[3]; reservations turnover is the pattern that, as flight time approaches, cancellations of reservations exceed new bookings. While overbooking ideally just compensates for no-shows and late cancellations, it also sometimes results in oversales, *i.e.*, a greater number of persons holding confirmed reservations and ready to board the aircraft than available seats. In such cases, the persons denied boarding may be eligible for compensation from the carrier, under the Board's rules contained in Part 250 (14 CFR Part 250).[4]

Industry-initiated efforts to deal with the no-show and reservations turnover problems by means other than intentional overbooking have generally not been successful. In 1957-58 and in 1962, industry-wide no-show control programs were in effect. The principal features of the plans were ticketing time limits, reconfirmation requirements, and postdeparture refund penalties for unused tickets. Although the programs were somewhat successful in reducing no-show rates, the carriers abandoned these efforts because of administrative difficulties and customer resistance. In addition to industry-wide programs, carriers have made limited attempts to reduce no-shows in particular markets (such as East Coast-Florida) during peak travel periods through the imposition of ticketing time limits. Several times since 1962 the Board encouraged and authorized industry discussions about the no-show problem, but none proved productive.

Before the early 1960's, carriers' overbooking practices were rarely the subject of Board scrutiny, and compensation to bumped passengers was limited to small payments voluntarily made by the carriers. In 1960, the Board instituted an investigation into the overbooking practices of the domestic trunkline carriers.[5] That investigation led to rulemaking proceedings, which ended in 1967 with the adoption of regulations (in Part 250) designed to ameliorate the problem of oversales without rigidly regulating the carriers' overbooking practices.[6] Part 250 established requirements for the first time for the payment of denied boarding compensation, boarding priorities (rules to determine which passengers are bumped) and periodic reports from carriers on unaccommodated passengers and the payment of compensation.

[1] Dated April 13, 1976, 41 FR 16478 (April 19, 1976).

[2] "Deliberate overbooking" is the intentional acceptance by an air carrier of more confirmed reservations for a specific flight than there are seats available on the aircraft. An "oversale" results when more persons with confirmed reservations actually appear for boarding than there are seats available, necessitating a denial of boarding, or bumping, of one or more passengers. Deliberate overbooking does not necessarily result in oversales on a specific flight; for example, where enough "no-shows" and late cancellations of reservations offset the overbooking, there will be seats available for all passengers who want to board.

[3] A no-show may be intentional on the part of the passenger, or may be caused by circumstances beyond his control, *e.g.*, sudden illness, unavoidable traffic delays, or clogged telephone lines at carriers' ticket offices. In addition, no-shows may be caused by the carriers, through errors in reservations records, misconnections, or failure to cancel down-line space of known no-shows. Judge Park in the "Emergency Reservations Practices Investigation" estimated that at least 50 percent of no-shows were carrier-caused.

[4] Oversales may also be caused by factors other than intentional overbooking; for example, by human or computer error in reservations records. The compensation rules in Part 250 generally apply equally to all bumpings, regardless of cause.

[5] "Overbooking Practices of Trunkline Carriers' Investigation," Docket 11683.

[6] ER-503, August 3, 1967, 32 FR 11939.

In late 1973, the Board instituted the "Emergency Reservations Practices Investigation (ERP Investigation"),[7] in which the Board initially proposed a mandatory system of no-show controls designed to reduce the number of unused seats in a period of anticipated fuel shortages. Chiefly, the program was to consist of compulsory advance purchase of tickets, postdeparture refund penalties for unused tickets, limitations on the interchangeability of tickets among carriers, and a tripling of denied boarding compensation. In the Initial Decision, Judge Park found that the carriers' existing reservations practices were not unlawful, and that, absent emergency conditions, any benefits accruing from the Board's proposed no-show control plan would be outweighed by administrative difficulties and inconvenience to the traveling public. The Board, noting that the anticipated fuel emergency had never materialized, affirmed the Initial Decision and terminated the investigation.[8]

Contemporaneously, in April 1976, influenced by an apparent increase in the rate of denied boardings, the Board instituted this rulemaking proceeding to reexamine completely the regulatory policy toward overbooking and oversales. In order to provide a specific body of data for the reexamination, the Board ordered trunkline and local service carriers to submit special reports of overbooking and oversales in selected markets on specific dates.[9] Following objections from the carriers, the reporting requirements were first deferred, then discussed in a public meeting, and finally suspended indefinitely.[10] The Board also denied a motion to set the entire matter for evidentiary hearing.

One of the issues raised in EDR-296 was the question of what sort of public disclosure, if any, should be required of carriers concerning their deliberate overbooking practices. Subsequent to the issuance of EDR-296, several carriers proposed to file tariffs giving "constructive notice" of the fact that their flights may be overbooked. The tariffs were designed to serve as a legal defense to a common law action for fraudulent misrepresentation, as a result of the "Nader v. Allegheny Airlines" [11] litigation then pending in the Federal courts. The Board suspended those tariffs and simultaneously, in EDR-303,[12] proposed to require any carrier filing tariff notice of overbooking to furnish passengers with actual notice as well. In February 1977, the Board modified and made final the proposals contained in EDR-303 so that all carriers and their agents are now required to post signs in ticket offices and distribute with each ticket a notice describing the industry overbooking practices and indicating the right to compensation in the event of an oversale.[13] As the Board explained in adopting that rule, the notice requirements are designed to serve on an interim basis; pending completion of the present rulemaking, in which the concept of public disclosure of overbooking is still under consideration.

II. Review of the Comments

Comments in this proceeding were received from Air Zealand Ltd., Airline Passengers Association, Allegheny Airlines, American Airlines, American Society of Travel Agents (ASTA), Aviation Consumer Action Project (ACAP), Colorado Public Utilities Commission (PUC), Delta Air Lines, Eastern Air Lines, Frontier Airlines, International Air Transport Association (IATA) on behalf of 19 members, National Airlines, North Central Airlines, Northwest Airlines, the Civil Aeronautics Board's Office of Consumer Advocate (OCA), the Office of Consumer Affairs of the Department of Health, Education, and Welfare (HEW), Pacific Western Airlines Ltd., Pan American World Airways, Piedmont Aviation, Trans World Airlines (TWA), United Air Lines, Richard M. Leonard, Donald L. Pevsner, Julian L. Simon and 228 other individual members of the general public.

A. Should Overbooking Be Proscribed Under Section 411?

All carriers, APA, HEW, and OCA oppose a Board declaration that deliberate overbooking is an unfair or deceptive practice violative of Section 411 of the Federal Aviation Act.[14] The principal arguments raised in support of the practice of overbooking are that (1) the practice is necessary to minimize the waste of aircraft seats caused by no-shows [15] and reservations turnover; without overbooking, it was argued, load factors will decline and the increased costs of operating less efficient flights will be passed on to the consumer through fare increases; (2) overbooking benefits passengers by enabling carriers to accommodate many more persons on the flight of their choice than would be possible if flights were booked only to exact capacity; (3) overbooking contributes to a flexible and convenient reservations system for the benefit of all passengers; and (4) deliberate overbooking is only a minor cause of oversales. While many carriers claimed that a prohibition against deliberate overbooking would result in revenue losses, few hard data were provided in the comments. Pan American estimated that its overbooking accommodated 200,000 additional passengers annually, representing revenue of $27 million; Frontier estimated 72,000 passengers and $3.2 million, Eastern $18 million, and TWA $100 million (total industry cost). In summary, the carriers argued that overbooking is a rational business policy, which benefits far more passengers than it inconveniences, and that a prohibition of the practice would be a gross overreaction to a problem which affects only a small fraction of the traveling public. It was pointed out, for instance, that 99.94 percent of all airline passengers in fiscal 1975 were accommodated and only .06 percent were bumped. Eastern suggested that the increasing oversales rate was due to the substandard performance of a few carriers rather than an industry-wide trend.[16]

ACAP, ASTA, the Colorado PUC, and many individual members of the public believe the practice of deliberate overbooking should be outlawed. They argued that it is an outrageous and deceptive practice which should not be condoned by a regulatory body. It was contended that the carriers' use of the term "confirmed reservation" naturally leads the passenger to believe he has an unqualified assurance of being accommodated on a specific flight. When that assurance is actually conditional, the passenger is assertedly treated in a deceptive manner.[17] In addition, it was pointed out that

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[7] Instituting Order 73-12-93, EDR-260, Docket 26253.

[8] Order 76-4-55, April 13, 1976. The Board also determined that an issue raised in the "Nader v. Allegheny" litigation—namely, whether deliberate overbooking is an unfair and deceptive practice under section 411 of the Federal Aviation Act—was not within the scope of the "Investigation," and consolidated that issue into the instant proceeding.

[9] Order 76-4-56, April 13, 1976.

[10] Order 76-9-73, September 14, 1976. The reports were designed, *inter alia*, to establish a quantitative relationship between overbooking and oversales, which is not available from existing reports under Part 250, where denied boardings are reported without regard to cause. Carriers argued that the reports were extremely burdensome, would require extensive reprogramming of computer systems, and would produce misleading results. Although the reports were then drastically streamlined, the remaining burden on the staff and carriers of preparing and processing the data appeared to be simply not worth the effort for the information likely to be gained, and it was determined to suspend the reports until the Board had an opportunity to analyze the comments and determine a tentative course of action.

[11] The tariffs were filed in response to the Supreme Court's holding in the *Nader* case, 426 U.S. 290 (1976), that an action against an airline for fraudulent misrepresentation, based on the failure to give notice of overbooking practices, is cognizable in a court of law, and punitive damages may be recoverable.

[12] Dated September 14, 1976, 41 FR 40500, September 20, 1976, Docket 29776.

[13] By Regulation ER-987, 42 FR 12420, March 4, 1977. See also Regulation ER-990, clarifying amendment to ER-987, 42 FR 15900, March 24, 1977. The notice requirements apply only to ticket offices in the United States.

[14] Section 411 of the Federal Aviation Act of 1958 empowers the Board to "investigate and determine whether any air carrier * * * has been or is engaged in unfair or deceptive practices on unfair methods of competition in air transportation or the sale thereof."

[15] Estimates of no-shows submitted by various carriers ranged from 10 to 20 percent of total enplanements.

[16] In CY 1976, there was a wide variation in individual carriers' denied boarding rates, ranging from 2.0 per 10,000 enplanments (Eastern) to 60.6 per 10,000 enplanements (Aloha). Other carriers that reported oversales far in excess of the industry average of 7.0 were Hawaiian (37.2), Pan American (14.3), and Western (13.3).

[17] The House of Lords, the highest court in the U.K., recently upheld a finding that an airline's confirmation of a reservation on a flight subject to overbooking was a false statement violative of the Trade Descriptions Act of 1968. However, the conviction of British Airways Board on that charge was reversed on the technical ground that British Airways did not inherit the liability of its

oversales have been increasing in recent years, both in absolute numbers and as a percentage of total passengers enplaned. In weighing the costs and benefits of overbooking, these commenters urged the Board to consider the personal distress and economic losses of the many bumped passengers, in addition to such indirect costs of overbooking as denied boarding compensation and the loss of industry good will. It was also contended that industry claaims of revenue losses which would attend a prohibition of overbooking are greatly exaggerated, in that they are based on the erroneous assumption that all additional passengers now accommodated through overbooking represent revenue which would be completely lost. On the contrary, these commenters assert that if the Board proscribes overbooking, carriers will recapture these potential losses through various forms of conditional or discount reservations to compensate for no-shows. And since diversion of passengers to surface transportation is unlikely in most markets, it is argued that the net effect on the industry from a prohibition against deliberate overbooking would be only a re-distribution of existing traffic among carriers and a negligible revenue impact on the industry as a whole. At the same time, such a prohibition would eliminate the question of deceptive practices and would retain the present flexibility of the reservations system.

B. ALTERNATIVE RESERVATIONS PRACTICES

Advance Notice EDR–296 solicited comment on various reservations procedures which might serve to ameliorate the problems of no-shows and reservations turnover, and thus reduce the need to overcook. Comment on most of these alternatives was generally negative.

1. *Guaranteed Reservations, Advance Ticketing, and Refund Penalties.* Most commenters agreed that proposals for guaranteed reservations, advance ticket purchase requirements, and postdeparture refund penalties are interrelated, in that imposition of any single one of these as a no-show control measure would probably be ineffective unless accompanied by one or both of the others.[18] These commenters also asserted that mandatory adoption of any of these procedures would unduly complicate the airline reservations systems.

The "guaranteed reservation" would be designed to give the holder definite assurance against denied boarding in the event of an oversale, and would presumably be available either upon advance ticket purchase or payment of a small additional charge, or both. In addition, to discourage abuse of the guarantee by no-shows, this type of reservation would probably have to be accompanied by a postdeparture refund penalty for unused tickets. Passengers holding "confirmed" but not guaranteed reservations would thus be subject to increased risks of denied boarding.

Most commenters opposed the extra-charge type of guaranteed reservation, on the ground that the additional fee would be tantamount to a fare increase since most passengers would pay a small charge for added security against bumping. Several commenters did favor the offering of a guaranteed reservation available without additional charge by advance purchase of the ticket. However, others pointed out that such a system would disadvantage travelers who are unable to make early travel arrangements or pay for tickets well in advance of departure. It was also argued that, judging from past experiments, any system of refund penalties associated with guaranteed reservation would probably encounter substantial consumer resistance.

Advance ticket purchase requirements and refund penalties were recommended by some commenters as independent no-show controls without regard to any system of guaranteed reservations. It was asserted that mandatory advance payment for tickets, accompanied by the risk of forfeiting a portion of the price if the ticket was unused, would force travelers to make their plans more definite and further in advance, and thereby discourage no-shows and late cancellations. However, carriers and others contended on the basis of past experience, that an industry-wide no-show control program such as this would entail substantial administrative problems and meet with stiff public resistance. Among the specific objections raised were the harshness of a refund penalty upon "innocent" no-shows; the difficulty of enforcing the system, especially by travel agents; the costs of administration, including loss of business to travel agent offices; and the great loss of flexibility and convenience which all air travelers now enjoy in making, changing, and canceling reservations.

2. *Conditional Reservations.* There was general agreement that a system of discount or conditional reservations—such as Eastern's "Leisure Class" [19]—is not suitable as the exclusive form of reservation available, but several commenters recommended wider use of conditional reservations for a non-deceptive alternative to overbooking as a means of reducing the number of empty seats caused by no-shows. As thu senvisioned, the conditional reservation would entitle the holder to board a flight only after passengers holding confirmed reservations. As the incentive for accepting the extra risk of denied boarding, the purchaser would receive some benefit—either a reduction in the price of the ticket, or some compensation (such as a free flight at a later time) in the event he is unaccommodated. Proponents of the conditional reservation pointed to Eastern's very low denied boarding rate [20] as evidence that wider availability of conditional reservations would reduce oversales even if the Board does not prohibit deliberate overbooking. It was also asserted that active marketing of conditional reservations would provide an effective alternative to overbooking as a means to increase load factors. These commenters argued that, if the Board proscribes overbooking, carriers would sell conditional or discount reservations at approximately the same rates as they now overbook, resulting in no significant change in load factors. Such a procedure would allow the traveler who desires absolute assurance against denied boarding to protect himself by purchasing a confirmed reservation, while persons willing to accept greater risks of denied boarding could do so voluntarily. Carriers would be deterred from the abuse of selling unlimited numbers of conditional reservations by the requirement of an extra payment to the holder in the event he is unaccommodated on the flight.

Several carriers contended that conditional reservations are an inadequate substitute for intentional overbooking as a weapon against no-shows and late cancellations. It was argued that mandatory use of conditional reservations would increase passenger anxiety, encourage multiple reservations and thus even greater no-shows, and possibly divert passengers to surface transportation in short-haul markets. Eastern commented that its Leisure Class does not appeal to travelers when more definite reservations are available, and viewed the conditional reservation as a supplement to, rather than a substitute for controlled overbooking.[21]

3. *Limits on ticket interchangeability.* All carriers and several other commenters strongly opposed any limitations on the transferability of tickets between carriers as a no-show control measure. It was pointed out that ticket interchangeability is a major element of the flexible airline reservations systems, and that any such limits would not be worth

predecessor, BOAC. *British Airways Board v. Taylor*, 1 All England Law Reports 65 (1976).

[18] For example, one of the weaknesses of the no-sow control program in effect in 1962 was no-show control program in effect in 1962 was the absence of a requirement for advance payment for tickets, causing carriers to bill no-show passengers for the penalty. Only 3 percent of the billings were collected.

[19] Eastern's Leisure Class reservation is available at regular coach fare and entitles the holder to board subject to availability of space. In the event the holder is unaccommodated, Eastern will tender compensation in the amount of the remaining flight coupons to the passenger's next stopover or interline connection, or if none, to his destination. In addition, Eastern will provide the passenger with free transportation on its next available flight. Eastern has offered conditional reservations since 1971, when the Board dismissed complaints against Eastern's tariff revision. Order 71–6–120. At present, Delta and National also have tariffs providing for conditional reservations identical to the Leisure Class.

[20] One year after its conditional reservation was made available, Eastern's denied boarding rate decreased 57 percent (FY 1971 to FY 1972). Since 1971, Eastern has had by far the lowest oversales rate of the trunk carriers and in CY 1976 denied boarding to only 2.0 passengers per 10,000 enplanements, compared to the industry average of 7.0.

[21] Eastern commented that in fiscal 1975 it accommodated 340,000 additional passengers through deliberate overbooking and 230,000 passengers by the Leisure Class reservation.

their price in terms of inconvenience to the public and the costs of administration. IATA maintained that such restrictions would be especially unworkable in international markets.

4. *Postdeparture reconciliation procedures.* Comment was mixed on the merit of postdeparture reconciliation as a means to reduce "carrier-caused" no-shows. Postdeparture reconciliation is the checking of tickets actually used on a specific flight against reservations made for that flight. If the check reveals no-shows, that information is relayed so that all down-line and return space of the no-show passenger is cancelled.[32] The use of post-departure reconciliation assertedly reduces oversales by lowering the mean level and variability of reported no-shows. Insofar as carriers' overbooking calculations are based on the level of reported no-shows, postdeparture reconciliation would enable carriers to reduce overbooking rates and attain a finer tuning of their capacity management programs. American Airlines has used such procedures for many years and estimated that its no-show rate would be 25 percent higher if postdeparture reconciliation were not employed.

Commenters raised two principal difficulties with postdeparture reconciliation procedures. First, several carriers asserted that, because of the time consumed in the reconciliation, the no-show information may not be available in time to be useful to down-line stations, at least in short route segments. The second problem is that passengers who no-show on one leg of their itinerary may nevertheless reach an intermediate point by other means of transportation, and desire to utilize their originally-booked accommodations. Cancellation of the down-line space would convert the traveler into a "no-record" passenger and a potential oversale on the continuing flight. However, American and other commenters asserted that these problems affect only a small proportion of the total cancellations which would be produced by post-departure reconciliation. Opponents of mandatory postdeparture reconciliation pointed out that Judge Park in the "ERP Investigation" found that, while such procedures would very likely be effective in reducing carrier-caused no-shows, the difficulties of implementing and overseeing such procedures would outweigh their benefits, absent emergency conditions.

5. *Other suggested changes in reservations practices.* Julian Simon, Professor of Economics at the University of Illinois, has vigorously promoted a plan which he claims is an ideal solution to the overbooking/no-show dilemma and which will leave all parties satisfied. Professor Simon would allow carriers to overbook without regulatory restraint. If more ticketed passengers arrived for boarding than available seats, each passenger would be told to submit a sealed bid of the lowest amount he is willing to accept in return for waiting "until the next available flight." The low bidders would be given the amounts they bid, until the group size is reduced to the aircraft capacity. Thus the low bidders are satisfied, having received what they asked for, and all other passengers fly as scheduled, without complaint. The airlines would be happy because they could overbook to an even greater extent than at present. Furthermore, Professor Simon claimed that a mock oversale experiment showed that the low bidders would be willing to wait for sums far lower than denied boarding compensation. Thus, it was asserted, the plan is cheaper than the present regulatory system and encourages free-market carrier efficiency. Professor Simon also reported that he has tried to interest carriers in his "Auction Plan" for several years without success. Perhaps part of the reason for its lack of adoption is that carriers feel the procedure is cumbersome and likely to delay the departure of the flight.

C. CHANGES IN PART 250

1. *Level of denied boarding compensation.* Part 250 now provides that a passenger denied boarding on a flight and eligible [33] for denied boarding compensation (DBC) shall be offered compensation, as liquidated damages, at the rate of 100 percent of the value of the first remaining flight coupon on his ticket (i.e., the ticket price of the flight segment from which the passenger was bumped), with a minimum of $25 and a maximum of $200. Several commenters, including many outraged bumping victims, argued that the present DBC formula is insufficient either to compensate bumped passengers or to deter oversales. Among the changes most frequently recommended were (1) removal of the $200 ceiling; (2) an increase in the $25 minimum; (3) an increase in DBC to include the value of flight coupons to final destination, not just to the point of next connection as Part 250 now provides; and (4) an increase in DBC to two or three times the present level, so that it will not only be more compensatory but will discourage oversales. Several individuals stressed that going to court to recover losses from bumping is not feasible for the average passenger.

The carriers contended that present levels of DBC are fully compensatory, and that passengers whose losses exceed the DBC tendered have a common law remedy. It was also pointed out that Judge Park rejected a proposed threefold increase in DBC in the "ERP Investigation."

2. *Eligibility for denied Boarding compensation.*[34] Several commenters suggested modification or deletion of the exception that a passenger is ineligible for DBC if the carrier arranges alternate transportation planned to arrive at the passenger's next stopover or destination within 2 hours domestically or 4 hours internationally. Their argument was that a passenger who has justifiably relied on the advertised schedule of the carrier is entitled to compensation if the promised service is not delivered. It was contended that a passenger may be seriously inconvenienced by even a one or two hour delay, *e.g.*, by missing a connecting flight, business appointment, or personal matter. It was also pointed out that the time limit provisions are the most commonly invoked exceptions to DBC eligibility, and in some cases invite abuse of the spirit of the Board's compensation scheme.[35]

A few commenters also urged elimination of the exception to eligibility in the case of substitution of lower capacity equipment when required by safety or operational factors. OCA, for example, asserted that a passenger holding a confirmed reservation should be compensated whenever he is bumped regardless of whether there is a *bona fide* cause.

3. *Boarding priority rules.* Part 250 now provides that each carrier must establish and file with the Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates, non-discriminatory rules for determining which passengers are denied boarding in the event of an oversale. Some commenters asserted that the flexibility allowed by Part 250 with respect to these boarding priority rules places too much discretion in the hands of carrier personnel [36] and invites unfair results. It was suggested instead that the boarding priority rules be made uniform and be filed in the carriers' tariffs. For example, ACAP and several members of the public urged that boarding priority be based on chronological order of reservation and not upon the order of arrival at the boarding point. Such a system, it was asserted, would en-

[32] The currently effective Standard Interline Passenger Procedures (SIPP) provides for down-line cancellation of reservations of "known" no-show passengers. Since SIPP is part of an ATC agreement, it is unenforceable except as a matter of contract. In the "ERP Investigation" the Board proposed to make SIPP obligatory on all carriers by adopting SIPP as a tariff rule. That proposal, like the other elements of the Board's initial plan in the "Investigation," was later rejected.

[33] A passenger is eligible for DBC if he complies with the carrier's requirements as to ticketing and check-in and is denied boarding despite holding confirmed reserved space on the flight, unless the denial of boarding was caused by Government requisition of space or substitution of smaller aircraft for operational or safety reasons, or unless the carrier arranges alternate transportation for the bumped passenger within a prescribed time period (see discussion of the latter exception at p. 14).

[34] Generally, about 50 percent of passengers denied boarding are ineligible for DBC. Of the 133,000 passengers bumped domestically in CY 1976, 49 percent were ineligible for compensation because the carrier arranged alternate transportation within the 2 hour limit, and 6 percent were ineligible because the bumping occurred through substitution of smaller aircraft, while 44 percent or 59,000 were eligible for DBC.

[35] In two extreme cases, 13,400 of Aloha's 14,000 oversold passengers, and 9,900 of Hawaii's 11,000 received no compensation because of this exception (1976).

[36] There is considerable variety among the carriers' boarding priorities. Among domestic carriers the most common lowest priorities are the last passenger to check in, volunteers, or the "least inconvenienced passenger."

able the passenger to take affirmative action to protect himself from being bumped.

Other commenters, however, maintained that it is desirable to allow carrier boarding agents some flexibility in choosing persons to be bumped, for an unduly rigid priority system could result in such untoward results as splitting parties or the bumping of elderly persons, the infirm, or minor children.

4. *Other changes in Part 250.* OCA suggested two additional amendments to Part 250. First, it recommended that, in view of the increasing participation of commuter air carriers in inter-line air transportation, the DBC rules should be made applicable to commuters. Second, OCA urged rewording of the notice given to oversold passengers pursuant to § 250.9 to clarify that acceptance of DBC constitutes a waiver of the right to pursue other remedies for damages.

D. OTHER CAUSES OF OVERSALES

Advance Notice EDR-296 raised the question of whether the Board should take action with regard to oversales resulting from factors other than deliberate overbooking. The carriers asserted that overbooking is only one of several causes of oversales; estimates of the portion of denied boardings attributable to overbooking ranged from 15 percent to 65 percent. Other major causes are (1) computer malfunction; (2) errors of carrier personnel and travel agents; (3) free sale[27], block ticketing or "write-your-own ticket" arrangements[28]; and (4) substitution of lower capacity aircraft for operational or safety reasons. With the exception of the latter, these factors result in "no-record" passengers, *i.e.*, passengers who appear at the boarding gate with validated tickets but for whom the carrier has no record of reservation. No-record passengers will appear, for example, if a ticket agent issues a confirmed reservation by marking the ticket "OK" but fails to record the reservation properly into the computer reservations system. Because the no-record passenger has a properly validated ticket, he is usually permitted to board along with the other holders of confirmed reservations, sometimes resulting in an oversale.

Carriers generally opposed Board action against these causes of oversales on the grounds that (1) Board action would be costly and ineffective; and (2) it would destroy the utility of such services as free-sales and travel agency selling procedures. Furthermore, it was asserted, carriers themselves are continually trying to minimize errors in the reservations system, so that Board action is unnecessary.

OCA, on the other hand, recommended that the Board attempt to curb abuses in intra-industry agreements which result in confirmed reservations not being entered onto subsequent carriers' records. ACAP urged the Board to reduce boarding errors by adopting positive check-in requirements.

E. APPLICABILITY OF OVERBOOKING REGULATIONS TO FOREIGN CARRIERS

Comment was divided on whether the Board should impose any changes made in its regulations uniformly upon domestic and foreign carriers. When first adopted, Part 250 applied only to U.S. flag carriers, but was extended in 1974 to foreign air carriers with respect to flights "originating or terminating at, or serving" points in the U.S.[29] However, foreign carriers are excluded from the reporting requirements relating to denied boarding statistics.[30]

Most U.S. carriers urged uniform application of overbooking regulations to all carriers to avoid a competitive disadvantage to domestic carriers. IATA, on the other hand, opposed the extension of any changes in Part 250 to foreign air transportation, and urged amendment of that regulation to remove its existing extra-territorial effect. At the same time, IATA stated that the present wide variations among the many nations' denied boarding compensation schemes are undesirable and urged adoption of an internationally uniform DBC plan.[31]

III. THE BOARD'S PROPOSAL

A. POLICY REGARDING BUMPING

At the outset of this proceeding more than a year ago we had not reached any conclusions about future Board policy regarding overbooking and oversales, but we did express our concern that the incidence of denied boardings appeared to be rising. Although certain carriers disputed our interpretation of the oversale statistics, we note that in the period of time since this investigation was begun, the rate of denied boardings has increased significantly, marking a steady rise in oversales each year since 1973.[32] While bumping is relatively infrequent in comparison to total passenger traffic, it nevertheless affects a substantial number of people (over 133,000 in 1976). It is understandable that many of these persons are outraged when told that, through no fault of their own, they cannot board a flight for which they hold "confirmed reservations". Although some carriers would have us look the other way, the Board cannot be indifferent to the hardship and distress suffered by many thousands of innocent passengers. The increasing rate of oversales, coupled with the many comments of individual citizens expressing outrage over instances of bumping, convince us that we must act promptly to alleviate the suffering and inconvenience experienced by a growing number of unsuspecting and arbitrarily selected passengers.[33]

The heart of our proposed new policy governing oversales is a requirement that carriers reduce "involuntary" bumpings to the "smallest practicable number." In this sense, a bumping is considered "voluntary" if the passenger is so satisfied with the compensation or other terms offered that he freely and voluntarily relinquishes his confirmed space. The "smallest practicable number" is the lowest amount practicably attainable by any means which do not significantly compromise the reservations and boarding system as a whole.

Carriers would be given a choice of means to reach the goal of minimizing involuntary bumpings. The Board is prescribing one set of procedures, but carriers are invited to seek our approval for any alternate procedures consonant with the newly stated policy. Carriers would be required to submit monthly reports on the extent of their "voluntary" and "involuntary" bumpings, and the amount of compensation paid or other terms applied to each class of bumped passenger. If, after a reasonable trial period, these new measures prove ineffective in bringing a sharp reduction in the bumping of unwilling passengers, the Board is pre-

[27] Free sale is a reservations procedure established by inter-carrier agreement whereby a participating carrier may confirm reservations on another carrier without checking availability of space, up to a specific time before departure. This procedure is commonly used by overseas offices of foreign carriers and by certain hotels that do not have computer or local telephone access to the reservations office of the other carrier. Free sales are presently limited by ATC Resolution No. 105.23 as follows: Free sales may not be granted to travel agents; they may be utilized only up to 24 hours prior to flight departure; and all free sales must be reported to the carrier after confirmation to the passenger.

[28] In block ticketing or write-your-own ticket programs an agent or passenger is given ticket stock and is permitted to issue "confirmed" reservations and "validated" tickets wtihout notifying the carrier.

[29] Section 250.2, ER-880, August 13, 1974. This section has since been clarified to state that the rules in Part 250 apply only to flights for which the passenger has a flight coupon naming a U.S. point. ER-897, January 27, 1975. The change was made to explicitly exclude from our DBC rules those portions of U.S.-originating or terminating flights which occur wholly outside the U.S.

[30] ER-880 required foreign air carriers to file Form 250's, but that requirement was stayed indefinitely by ER-897, January 27, 1975.

[31] With the approval of the British Civil Aviation Authority, several carriers operating to and from the U.K. have agreed to a standard DBC plan, the principal features of which are compensation in the amount of one-half of the remaining flight coupon (minimum £10, maximum £100) plus reasonable expenses incurred at the airport.

[32] The latest data available at the time EDR-296 was issued showed 102,000 passenger holding confirmed reservations were denied boarding domestically, equivalent to 6.0 per 10,000 enplanements (FY 1975). The most recently published figures are 133,000 and 7.0 (CY 1976). In calendar 1973, the number of oversales was 76,000 or 4.6 per 10,000 enplanements. (In international operations, denied boardings declined from 10,500 in 1975 to 9,600 in 1976, equivalent to a rate of 7.1 per 10,000 enplanements for 1976). Source: CAB Form 251 reports, compiled in "Passengers Denied Confirmed Space, Calendar years 1976 and 1975."

[33] In addition, the Board's Bureau of Enforcement has recently instituted an informal nonpublic investigation of various carriers' compliance with the existing compensation rules of Part 250. That proceeding, which will determine whether formal enforcement action is warranted, was undertaken in response to information received by the staff that certain carriers have failed to furnish written explanations of denied boarding compensation to bumped passengers and to make appropriate compensatory payments. Order 77-8-46, August 12, 1977.

pared to take more drastic action, possibly including a curtailment of deliberate overbooking.

By establishing this new policy, we are attempting to relieve the hardship and frequently anomalous consequences of the rather arbitrary boarding priorities now employed by carriers to determine which passengers are bumped. For example, bumping passengers at the rear of the check-in line, as is commonly done, may result in denying boarding to persons who are on urgent travel while passengers who would be happy to leave the plane in exchange for the money offered remain on board. We believe that the hardship commonly associated with bumping will be sharply reduced if carriers are required to let the passenger himself, in effect, decide whether to be bumped rather than allowing passengers no choice in the matter.

Certainly there are many passengers whose travel arrangements are of such urgency that they would not ordinarily be interested in giving up their reservations for a compensatory payment. But rarely is it necessary to bump more than a very few persons, and in most cases it is unlikely that enough passengers could not be found to volunteer to leave the flight in return for a reasonable sum of money. Consequently, it does not appear unreasonable to require carriers to drastically reduce the incidence of involuntary denied boarding.

At the same time, however, we have tentatively decided to refrain from directly regulating overbooking or other carrier reservations practices which sometimes result in oversales. Instead, it is our belief that the new policy set forth, coupled with the increased compensation payable to bumped passengers, will give carriers an adequate economic incentive to reduce involuntary denied boarding to the point where further Board action will simply be unnecessary.

Our decision not to outlaw deliberate overbooking at this time rests in part on the aspects of this practice which benefit air travelers as a whole. While it is not possible on this record to determine the precise economic value of intentional overbooking, it seems clear that controlled overbooking does serve an important public benefit by filling what would otherwise be unoccupied seats, and in turn reducing the pressure for fare increases and enabling more passengers to be accommodated on the flight of their choice.

Although some commenters urge us to prohibit deliberate overbooking as a companion measure to the institution of some form of no-show controls, it is our tentative conclusion that imposition of no-show control procedures on a national scale would virtually destroy the convenience and flexibility of the airline reservations system as it is known today. Although compulsory advance purchase of tickets, postdeparture refund penalties, and limits on ticket transferability might very well have an ameliorative effect on no-shows and reservations turnover, and thus eliminate the need for deliberate overbooking, we are inclined to believe that such a program would lead to hardship in many instances and meet with stiff public opposition.[34] In short, we tentatively believe that any benefits of such measures would be outweighed by the costs imposed on all air travelers in the loss of the ability to make, change, or cancel reservations freely, without advance payment or risk of charge.[35]

One further consideration which bears on our tentative determination not to prohibit deliberate overbooking is the fact that a cessation of overbooking would certainly not result in eliminating bumpings. The comments in this proceeding indicate that a significant proportion of oversales, perhaps more than half, are caused by factors other than intentional overbooking. Moreover, it appears that the principal causes of such inadvertent oversales—human and computer error—are not suitable for cure through regulatory action. Thus, even if we were to reduce the incidence of oversales by outlawing deliberate overbooking, we would still be faced with the basic problem of how to minimize the personal hardship of being denied boarding.

We emphasize, however, that our decision to refrain from direct regulation of carriers' reservations practices is only tentative, and will be reconsidered if carriers are not successful in reducing involuntary bumpings to a negligible level. We note that several of the causes of oversales—overbooking, free-sales, write-your-own ticket programs—are within the exclusive control of the carriers, and the carriers can fairly be told to administer these programs more carefully or dispense with them altogether. While some of these practices may indeed benefit the public as a whole, it is plainly unfair that individual passengers should bear the entire burden of mistakes and miscalculations by the carrier or its agents.

B. THE BOARD'S SUGGESTED PLAN

We are proposing a set of procedures patterned after the existing scheme of denied boarding compensation but modified to reflect our new policy regarding involuntary denied boarding and other observations formed in the course of this proceeding. Every carrier would be required to follow these rules unless the carrier received Board approval for an alternative system of compensation. The principal changes from the existing rules are a requirement that carriers request volunteers for the denied boarding compensation, an increase in the level of compensation, and a broader eligibility for compensation.

In the event of an oversale the carrier would be required to make a *bona fide* and sincere effort to seek volunteers[36] for denied boarding before resorting to any other boarding priority. Carriers would be given discretion as to precisely how and when to request volunteers, but the effort would have to be designed to minimize the possibility that a passenger is bumped against his will. To the extent that volunteers are solicited at the time of flight, it would presumably be necessary for the carrier to explain briefly the level of compensation and to furnish information about available alternative flights. If the carrier chose to request volunteers from a group of passengers waiting to board a partially filled aircraft, and an insufficient number came forward, then the carrier would have to repeat the request inside the aircraft as well.

Although certain carriers have in the past sought volunteers for denied boarding, the effort was never uniform throughout the industry nor was the incentive to passengers very great. By raising the level of compensation and expanding the eligibility for it, we are hopeful that the search for volunteers will be more successful.[37] However, we recognize that there may be times when, despite a thorough request, there are fewer volunteers than the number of oversales. In those instances, the carrier would be permitted to resort to a nondiscriminatory boarding priority which has been filed with and approved by the Board (in the same manner that boarding priority rules are now filed). Although some commenters urged us to specify a uniform boarding priority for all carriers—such as chronological order of reservation or ticket purchase—we have tentatively decided to allow carriers to retain the discretion and flexibility now present in the boarding priority rules. However, we specifically solicit further comment on this question.

Our proposals for an increased level and broader eligibility for denied boardboarding but also on the observation that the existing compensation scheme is often inadequate to redress the injury resulting from bumping, and sometimes provides no payment at all despite subing compensation rest not only upon our desire to attract volunteers for denied stantial hardship. As in the past, compensation would be computed with reference to the passenger's ticket but will be raised to include the value of the ticket coupons up to the passenger's next

[34] We are also declining at this time to propose mandatory adoption of postdeparture reconciliation procedures (see *supra* p. 11), because of the administrative and enforcement problems which would very likely be encountered. We also prefer to await the outcome of the experience under the new bumping policy before undertaking such a detailed oversight of carrier reservations practices.

[35] Furthermore, such an industry-wide system would very likely be costly to administer, a cost ultimately borne by the public. Judge Park in the "ERP Investigation" estimated that such no-show control measures would cost an industry total of $55 million per year, after accounting for refund penalty revenue.

[36] A "volunteer" in this sense is a person who answers the carrier's call for volunteers and freely and willingly relinquishes his confirmed space in return for denied boarding compensation. Any passenger selected for denied boarding on the basis of any other boarding priority would be considered to have been denied boarding involuntarily, whether or not the passenger subsequently accepts denied boarding compensation.

[37] In the event that there are more volunteers than the number of oversales, it is proposed to allow the carrier to select those passengers who would be entitled to the least compensation (under the proposed compensation scheme, the compensation will vary with each passenger's ticket) or to make a random selection.

stopover (of four hours or longer) or, if none, to his destination, instead of merely to the next connection as the present rule reads. This change recognizes that a bumping from one flight often causes the passenger to miss a connecting flight as well, and the denied boarding compensaton has always been tied to the value of the missed flight. The level of compensation would be set at 200 percent of the sum of the passenger's remaining flight coupons[28] up to the stopover or destination, with a $50 minimum and a $400 maximum (contrasted with the present $25 minimum and $200 maximum). We are also proposing to eliminate the two- and four-hour alternate transportation exceptions to eligibility now contained in § 250.6(b). We believe that it is simply unfair to permit thousands of passengers to be denied boarding and delayed up to two or four hours without any right to compensation. This change is especially appropriate in light of the large numbers of passengers adversely affected by the alternate transportation exception (approximately 50% of the total number of bumped passengers), particularly in some short-haul high density markets where it has apparently led to abuse. In order to retain some incentive for carriers to arrange alternate transportation for bumped passengers, however, and recognizing that passengers who are delayed are usually less inconvenienced than those who do not reach their destination at all, we are proposing to set the compensation at one-half the amount described above if the passenger is given substitute transportation to his stopover or destination within 2 hours domestically or four hours internationally, with a $25 minimum and a $200 maximum. One further proposed change in eligibility for compensation is the elimination of the exception for denied boardings caused by substitution of smaller aircraft, except when necessitated by wheather affecting the flight in question.

Two final proposals we are making are a modification of the Form 251 denied boarding reports and a substantial revision of the written explanation of denied boarding compensation which is furnished to bumped passengers. Form 251, filed monthly by carriers, would be revised to include the number of voluntary and involuntary bumpings and the amount of compensation paid in each category. The DBC notice, which is given to passengers immediately after a denied boarding and sets forth the terms and conditions for denied boarding compensation, would be changed to be more readable to the average passenger, in accordance with the requests of OCA and several individual commenters. We are also taking this opportunity to propose minor changes in the procedures for filing and updating these notices, as set forth in § 250.9 of the proposed rule.

[28] We are also proposing to clarify that the "value" of a ticket coupon, upon which DBC is based, includes taxes. This would enable passengers to ascertain the correct amount of compensation simply by reference to the "bottom line" of the ticket price.

We tentatively believe that no change should be made in either the applicability of Part 250 to foreign air transportation or the requirements for overbooking disclosure notices. With respect to the question of applicability, we continue to believe, as we expressed in first extending Part 250 to foreign air carriers, that it is desirable to maintain some umbrella of protection for our citizens in international travel who might otherwise be left without remedy in the event of a bumping. Thus we propose that our new oversales policy and compensation scheme apply equally to all flight segments that serve a U.S. point, whether by U.S. flag or foreign carriers. In regard to public notice of overbooking, we are inclined to retain the signposting and ticket notice requirements now in effect, since carriers presumably will continue to deliberately overbook flights to some degree under our new proposals. We would, of course, stand ready to modify the text of the notice in appropriate cases, as, for example, where a carrier abandons the practice of deliberate overbooking.

C. ALTERNATIVE PROCEDURES

The rules we are proposing here are not intended to provide the only acceptable means for minimizing involuntary denied boarding. In fact, carriers may be able to devise alternative measures which accomplish the same result at less cost. Therefore, we encourage carriers to propose and experiment with other procedures consistent with our new policy on oversales. The alternative measures could be tried selectively in particlar markets or be instituted in a carrier's systemwide operations. Of course, in order to monitor any such experimentation, Board approval would be required for any departure from our rules, and we have specifically provided an application procedure in the proposed § 250.11.

One option available to carriers is a voluntary abandonment or moderation of deliberate overbooking practices, coupled with the use of a non-deceptive means such as the conditional reservation to book beyond exact capacity. The dramatic success of Eastern's conditional reservation in reducing its oversale rate to the lowest in the country during the past several years leads us to encourage other carriers to adopt similar procedures. The chief characteristic of the conditional reservation, in contrast to a "confirmed" but overbooked reservation, is that the passenger is clearly told his status and voluntarily accepts it. Furthermore, carriers may find that the conditional reservation is more economically feasible if denied boarding compensation levels are to be raised as proposed here, and particularly if the carrier widely advertises its policy of not deliberately overbooking its flights. We acknowledge, of course, that even if a carrier were to replace all its deliberate overbooking with conditional reservations, oversales would continue to occur to some degree through inadvertence. In those instances the carrier would have to follow the compensation plan prescribed in the Proposed Rule, including the request for volunteers, or an approved alternative program.

An alternative to the Board's proposed plan of a fixed compensation level could involve a bidding system like the one suggested by Professor Simon. When an oversale became apparent (or if the possibility of one could reasonably be predicted some time in advance) a carrier agent could distribute slips to persons waiting to board the flight and, after explaining the flight is oversold and furnishing information on alternative flights, ask each passenger to list the lowest sum of money he would voluntarily accept in return for relinquishing his reservation. The lowest bidders would be given the amounts they bid (or the amount of the marginal bid—*i.e.*, the highest compensation required to equate the number of low bidders and the number of oversales[29]) and the remaining group of passengers would bme reduced to the size necessary for boarding.

A variation of the bidding system would be a collection of bids at some time before the departure date, for example at the time of reservation or ticket purchase. An advantage of the latter procedure is that the bids would be known in advance of boarding so that the selection and payment of low bidders would be less likely to delay the departure of a flight. We are not, of course, suggesting that this system be implemented for all flights; it would be suitable only where flight history indicates an incidence of oversales.

lations in this matter as soon as pos-

It is our intention to adopt final regusible after submission and analysis of public comments on these various proposals. However, carriers need not await the adoption of a final rule before devising and experimenting with alternative compensation procedures as suggested above. The Board will receive applications for approval of alternative programs beginning immediately.

Accordingly, the Civil Aeronautics Board hereby proposes to amend Part 250 of its Economic Regulations (14 CFR Part 250) as set forth below.

PROPOSED RULE

1. The title of Part 250 would be amended to read as follows:

PART 250—OVERSALES

2. The table of contents of Part 250 would be amended by adding new §§ 250.2a, 250.2b, and 250.11 as follows:

Sec.

* * * * * * *

250.2 * * *
250.2a Policy regarding denied boarding.
250.2b Carriers to request volunteers for denied boarding.
250.3 * * *

* * * * * * *

[29] This arrangement would have the advantage that it would discourage passengers wiling to give up their seats from making bids higher than the compensation that would actually satisfy them: since the compensation they receive would no longer be determined by their individual bids, they would be encouraged now to bid low, in order to be sure to be included in the group that is to be paid off.

250.10 * * *
250.11 Alternate procedures for denied boarding.

3. Section 250.1 would be amended by revoking the definition of "value of the first remaining flight coupon" and substituting in its place a new definition as follows:

§ 250.1 Definitions.

For the purposes of this part:

* * * * *

"Sum of the values of the remaining flight coupons" means the sum of the applicable one-way fares, including any surcharges, and air transportation taxes, less any applicable discounts.

4. A new § 250.2a would be added as follows:

§ 250.2a Policy regarding denied boarding.

In the event of any oversold flight, every carrier shall insure that the smallest practicable number of persons holding confirmed reserved space on that flight are denied boarding involuntarily.

5. A new § 250.2b would be added as follows:

§ 250.2b Carriers to request volunteers for denied boarding.

In the event of an oversold flight, every carrier shall request volunteers for denied boarding before utilizing any other boarding priority. A "volunteer" is a person holding confirmed reserved space who freely and voluntarily consents to relinquish his reserved space in exchange for the denied boarding compensation specified in § 250.5.

6. Section 250.3 would be amended to read as follows:

§ 250.3 Boarding priority rules.

Every carrier shall establish priority rules and criteria for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight. Every carrier shall file with the Chief, Passenger and Cargo Rates Division, Bureau of Fares and Rates, two copies of such rules and criteria, including that portion of its company manual instructing employees on the order of boarding priorities in case of an oversold flight, and any revisions or amendments to the rules, criteria, or manual shall be filed within 15 days following adoption by the carrier. Such rules and criteria shall reflect the obligations of the carrier set forth in §§ 250.2a and 250.2b to minimize involuntary denied boarding and to request volunteers. Such rules and criteria shall not make, give or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

7. Section 250.5 would be amended to read as follows:

§ 250.5 Amount of denied boarding compensation.

Subject to the exceptions provided in § 250.6, the tariffs required by this part shall provide for compensation to be paid to a passenger holding confirmed reserved space, as described in § 250.4, at the rate of 200 percent of the sum of the values of the remaining flight coupons up to the passenger's next stopover, or if none, to his destination, with a $50 minimum and a $400 maximum: *Provided, however,* That the compensation shall be one-half the amount described above, with a $25 minimum and a $200 maximum, where the carrier arranges for comparable air transportation or for other transportation accepted (i.e., used) by the passenger, which, at the time either such arrangement is made, is planned to arrive at the airport of the passenger's next stopover or, if none, at the airport of his destination not later than 2 hours after the time the direct or connecting flight, on which confirmed reserved space is held, is planned to arrive in the case of interstate and overseas air transportation, or 4 hours after such time in the case of foreign air transportation.

8. Section 250.6 would be amended by revising paragraph (a), revoking paragraph (b), and amending and redesignating paragraph (c) as paragraph (b) as follows:

§ 250.6 Exceptions to eligibility for denied boarding compensation.

A passenger shall not be eligible for denied boarding compensation if:

(a) The flight for which the passenger holds confirmed reserved space is unable to accommodate him because of: (1) Government requisition of space; or (2) substitution of equipment of lesser capacity when required by operation and/or safety reasons related to weather affecting that flight.

(b) The passenger is offered accommodations or is seated in a section of the aircraft other than that specified on his ticket at no extra charge: *Provided,* That a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund.

9. Section 250.9 would be amended to read as follows:

§ 250.9 Written explanation of denied boarding compensation.

Every carrier shall furnish passengers who are denied boarding on flights on which they hold confirmed reserved space, immediately after the denied boarding occurs, a written statement explaining the terms, conditions, and limitations of the denied boarding compensation provided by this part. Each carrier shall file with the Chief, Passenger and Cargo Rates Division, Bureau of Economics, two copies of such statement and any revision of the statement must be filed within 15 days of its adoption by the carrier. No statement or revision may be distributed to passengers without prior approval of the Director, Bureau of Fares and Rates unless the text thereof is as prescribed below:

COMPENSATION FOR DENIED BOARDING

If you hold confirmed reservations on a flight of (name of air carrier) and the flight is unable to accommodate you, you may be entitled to denied boarding compensation from the airline, according to regulations of the Civil Aeronautics Board. This notice explains the terms and conditions for the payment of such compensation.

ELIGIBILITY FOR COMPENSATION

In order to qualify for such compensation the passenger must have fully complied with the carrier's requirements as to ticketing, check-in, and reconfirmation, and be acceptable for transportation under the carrier's tariff filed with the Civil Aeronautics Board. However, a passenger is not eligible for compensation if (a) the flight is unable to accommodate the passenger due to Government requisition of space or substitution of smaller capacity aircraft due to weather affecting that flight; (b) the passenger is offered accommodations in a section other than that specified in his ticket at no extra charge. (A passenger seated in a section for which a lower fare is charged is entitled to an appropriate refund.); or (c) the flight is cancelled.

AMOUNT OF COMPENSATION

Passengers who are eligible for denied boarding compensation shall be offered a payment equal to 200 percent of the sum of the values of the remaining flight coupons on their tickets, up to the point of stopover, or if none, to the passenger's destination, with a $50 minimum and a $400 maximum. Where, however, the carrier arranges alternate transportation (see below) for the passenger within 2 hours domestically and 4 hours internationally, the compensation is equal to one-half the amount described above, with a $25 minimum and a $200 maximum. The "value" of a ticket coupon is the one-way fare for the flight indicated on the coupon, including any surcharge and air transportation tax, minus any discount.

"Alternate transportation" means that the carrier arranges for aid transportation (by carriers holding certificates of public convenience and necessity or foreign permits from the Civil Aeronautics Board) or for other transportation used by the passenger which, at the time such arrangement is made, is planned to arrive at the airport (see below) of the passenger's next planned stopover of 4 hours or more, or if none, at his destination not later than 2 hours (domestic travel) or 4 hours (international travel) after the planned arrival time of the passenger's originally scheduled flight.

"Airport" means the intended arrival airport of the originally scheduled flight or some other airport serving the same metropolitan area, provided that transportation to the other airport is acceptable to (used by) the passenger.

METHOD OF PAYMENT

The carrier is required to give to each passenger eligible for denied boarding compensation, on the day and place the denied boarding occurs, a draft in the amount specified above. If, however, the carrier arranges alternate transportation for the passenger's convenience which departs before the draft can be given, the draft will be sent to the passenger within 24 hours after the time the denied boarding occurs.

CARRIER'S LIABILITY

If the passenger endorses the draft and the draft is paid, the carrier shall be relieved from liability for all damages incurred by the passenger as a result of the carrier's failure to provide the reserved space in question.

10. Appendix B (Form 251) of Part 250 would be amended so as to revise the facing page as shown below:

OMB No. 39-R0092

CAB Form 251 (Rev. 8-77)

CIVIL AERONAUTICS BOARD
Washington, D. C. 20428

REPORT OF PASSENGERS DENIED CONFIRMED SPACE

(To be filed with the Bureau of Accounts and Statistics within 30 days after the end of each month)

(See instructions on back)

Name of Air Carrier

Month of _____, 19____

Operations (Check)
- ☐ Domestic
- ☐ International

Basis (Check)
- ☐ System
- ☐ 67% of total enplanements
- ☐ Top 15 stations

	(a)	(b)
1. Number of passengers denied boarding and eligible for denied boarding compensation in accordance with Part 250 and applicable tariff rules who:		
(a) volunteered for denied boarding and received compensation.		
(b) were denied boarding involuntarily and received compensation.		
(c) were eligible for compensation but did not accept compensation.*		
2. Number of passengers denied boarding who were not eligible for denied boarding compensation due to:		
(a) Government requisition of space.		
(b) substitution of smaller capacity aircraft due to weather.		
3. Total number of passengers denied boarding.		
4. Number of passengers accommodated on the flight in another section of the aircraft:		
(a) upgrades.		
(b) downgrades.		
5. Total number of passengers enplaned.		
6. Number of passengers denied boarding who were given alternate transportation within the meaning of §250.5.		
7. Amount of compensation paid to passengers who:		
(a) volunteered for denied boarding.		
(b) were denied boarding involuntarily.		
(c) were given alternate transportation within the meaning of §250.5.		
(d) were not given such alternate transportation		

I, the undersigned, (Title) _____ of the above-named carrier certify that the above report has been examined by me and to the best of my knowledge and belief is a true, correct and complete report for the period stated.

_____ (Date)

_____ (Signature)

*** If any passengers qualified for denied boarding compensation were not offered compensation, attach a statement as to the number of such passengers and an explanation of why the offer was not made.**

Appendix B—[Amended]

11. Appendix B (Form 251) of Part 250 would be amended so as to revise the back page as follows:

INSTRUCTIONS

* * * * *

(d) With respect to the information required by Items 1–4, * * *

(e) With respect to Item 1, a passenger who "volunteers" for denied boarding is a person who answers the carrier's request for volunteers pursuant to § 250.2b and willingly consents to exchange his confirmed reserved space for denied boarding compensation. Any passenger selected by the carrier for denied boarding in accordance with any boarding priority other than a request for volunteers is considered to have been denied boarding "involuntarily," whether or not the passenger accepts denied boarding compensation.

(f) Where reporting is on less than a system basis, Item 5 * * *. Where reporting is on a system basis, Item 5 * * *.

* * * * *

(h) Item 3, Total number of passengers denied boarding, should equal the sum of Items 1(a), (b), (c) plus 2(a) and (b). Include appropriate notes in the event this is not so.

12. A new § 250.11 would be added as follows:

§ 250.11 Alternate procedures for denied boarding.

Any carrier that wishes to meet its obligation set forth in § 250.2a to minimize involuntary denials of boarding, in a manner other than that specified in §§ 250.2b, 250.3, 240.4, 240.5, 250.8, 250.9, and 250.10 for selecting, compensating, and reporting on passengers denied boarding, may use alternate procedures, either in particular markets or in systemwide operations, upon approval by the Director of the Bureau of Fares and Rates. Applications for such alternate procedures shall be filed with the Bureau of Fares and Rates.

(Secs. 204, 403, 404, 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, 769 (49 U.S.C. 1324, 1373, 1374, 1381).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

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FRIDAY, SEPTEMBER 23, 1977

PART IX



DEPARTMENT OF LABOR

Employment Standards Administration

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MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Wisconsin	WI77-2130

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska:	
AK77-5052	May 20, 1977.
Michigan:	
MI77-2053	May 6, 1977.
New Hampshire:	
NH77-2003	Jan. 28, 1977.
New Jersey:	
NJ77-3079	June 17, 1977.
New Mexico:	
NM77-4218	Sept. 9, 1977.
North Carolina:	
NC76-1062	May 21, 1976.
Oklahoma:	
OK77-4216	Sept. 2, 1977.
Virginia:	
MD77-3109	Sept. 16, 1977.
Washington, D.C.:	
DC77-3108	Do.
West Virginia:	
WV77-3101	July 22, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Colorado:	
CO77-5067 (CO77-5081)	May 6, 1977.
CO77-5066 (CO77-5080); CO77-5068 (CO77-5082); CO77-5069 (CO77-5083); CO77-5070 (CO77-5084).	July 1, 1977.
Georgia:	
AR-4038 (GA77-1115)	Sept. 27, 1974.
Hawaii:	
HI77-5030 (HI77-5087)	Mar. 4, 1977.
Louisiana:	
LA77-4169 (LA77-4219); LA 77-4170 (LA77-4220).	July 29, 1977.
Maryland:	
MD76-3153 (MD77-3130)	Mar. 19, 1976.
Nevada:	
NV77-5031 (NV77-5089)	Mar. 18, 1977.
NV77-5061 (NV77-5085)	June 17, 1977.
NV77-5146 (NV77-5077)	Apr. 29, 1977.
New York:	
NY77-3006 (NY77-3094)	Feb. 11, 1977.
Oregon:	
OR77-5063 (OR77-5078)	July 1, 1977.
Rhode Island:	
RI76-2150 (RI77-3111)	Nov. 5, 1976.
RI76-2151 (RI77-3112)	Nov. 12, 1976.
South Dakota:	
SD77-5064 (SD77-5086); SD77-5065 (SD77-5079).	June 17, 1977.
Texas:	
TX77-4192 (TX77-4222); TX77-4206 (TX77-4221).	Aug. 19, 1977.
Wisconsin:	
WI76-2163 (WI77-2111)	Dec. 10, 1976.

NOTICE

Effective Immediately.—Due to the cost of publication involved, the Department of Labor will no longer publish the monthly index to general Wage Determination Decisions and Modifications. All users of general wage determination decisions are cautioned to consult the lists of new decisions, modifications, supersedeas decisions, and cancellations published each week in the preamble to the published prevailing wage rates to determine if there have been any changes in the wage determination decisions applicable to their programs.

Signed at Washington, D.C., this 16th day of September 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Wisconsin

COUNTIES: Calumet, Fond Du Lac, Manitowoc, Outagamie & Sheboygan Cos

DECISION NUMBER: WI77-2130

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.81	.70	.50	.65	.05
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS	9.20	.65	.40		.02
CARPENTERS:					
All Counties but SHEBOYGAN Co.	9.32	.45	.50		.03
Sheboygan Co. Only	9.25	.75	.30		
Millwrights & Piledrivermen:					
All Counties but SHEBOYGAN Co.	9.72	.45	.50		.03
SHEBOYGAN Co. Only	10.29	.75	.30		
CEMENT MASONS	8.70	.65	.40		.02
ELECTRICIANS:					
CALUMET & OUTAGAMIE Cos.	11.08	.60	3%		.5%
MANITOWOC Co.	10.93	.60	3%		.5%
FOND DU LAC & SHEBOYGAN Cos.	9.19	.85	3%+.20	10%	1½%
ELEVATOR CONSTRUCTORS:					
OUTAGAMIE CO.					
Constructors	10.04	.545	.35	4%+a+b	.02
Helpers	7.03	.545	.35	4%+a+b	.02
Helpers (Prob.)	5.02				
Remainder of Counties					
Constructors	11.17	.545	.35	4%+a+b	.02
Helpers	7.82	.545	.35	4%+a+b	.02
Helpers (Prob.)	5.585				
GLAZIERS	9.29	.92	.70		
IRONWORKERS:					
Western Part of DOND DU LAC Co. and OUTGAMIE Co.	10.72	.65	.375		.055
Remainder of the Area	10.66	1.10	.80	1.15	.15
LABORERS:					
General laborer; Bldg. Wrecker; Form Stripper	7.88	.30	.30		.02
Plaster Tender, Hod Carrier, Mason Tender, Vibrator oper.	7.93	.30	.30		.02
Jackhammeroperators, driller, Gunnite men, Mortar and plaster mixer, Fork lift operator	8.08	.30	.30		.02

DECISION NO. WI77-2130

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	8.80	.55	.65	.50	.01
PAINTERS:					
FON DU LAC, OUTAGAMIE, & Northwest Corner of CALUMET Cos.					
Brush, Paperhangers, and Structural Ateel	8.80	.70	.10		
Spray and Sandblasting	9.30	.70	.10		
MANITOTOC And the Remainder of CALUMET Cos.					
Brush	7.55				
Spray and Roller	8.05				
SHEBOYGAN County					
Brush	7.25	.40	.30	.30	
Drywall Finishing	7.35	.40	.30	.30	
Spray	7.75	.40	.30	.30	
PLASTERERS	9.20	.65	.40		.02
PLUMBERS & STEAMFITTERS:					
OUTQGAMIE Co. and the Northwestern corner of CALUMET Co.	9.94	.82	1.00	.80	.04
MANITOWOC Co. and the north eastern part of CALUMET Co.	10.40	.55	.90		.03
FOND DU LAC, SHEBOYGAN & The Remainderof CALUMET Cos.	9.80	.80	.94	.70	.03
ROOFERS:					
CALUMET & MANITOWOC Cos.	9.45	.25	.05		
FOND DU LAC Co.	8.65	.85	.40		
OUTAGAMIE Co.	7.48	.60	.45		
SHEBOYGAN Co.	6.75	.40			
SHEET METAL WORKERS:					
OUTAGAMIE co.	9.47	.51	.33	.90	.02
Remainder of Counties	9.96	.55	.72	1.20	.04
TERRAZO WORKERS & TILE SETTERS	9.20	.65	.40		.02
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. WI77-2130

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

A. Six paid holidays

b. Employer contributes 4% of regular hourly rate to vacation Pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation Pay credit for employee who has worked in business less than 5 years.

DECISION NO. WI77-2130

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.02	.70	.70		.10
GROUP II	9.77	.70	.70		.10
GROUP III	9.47	.70	.70		.10
GROUP IV	9.37	.70	.70		.10
GROUP V	9.16	.70	.70		.10
GROUP VI	8.92	.70	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Boller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AK77-5052 - Mod. #5 (42 FR 26115 - May 20, 1977) Statewide, Alaska					
ADD:					
SURVEY CREWS:					
Party Chief	$14.45	.88	3.00		.05
Instrumentman	13.21	.88	3.00		.05
Head Chainman	12.66	.88	3.00		.05
Stakehop	12.66	.88	3.00		.05
Rear Chainman	12.23	.88	3.00		.05
DECISION #MI77-2053 - Mod. #4 (42 FR 23377 - May 6, 1977) Allegan, Berrien, Calhoun, Clinton, Eaton, Ingham, Jackson & Kalamazoo Counties, Michigan					
CHANGE:					
Electricians:					
Jackson County; & the Remainder of Ingham Co.	$11.01	.40	3%	10%	
DECISION NO. NH77-2003- Mod #4 (42 FR 5625- January 28, 1977) Rockingham County, New Hampshire					
Change:					
Description of work to OMIT highway construction.					
Bricklayers, cement mason, marble masons, plasterers, stonemasons, tile setters & terrazzo workers	$8.79	.55	.40		.01

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #NJ77-3079 - Mod. #3 (42 FR-31080 - June 17, 1977) Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, New Jersey					
Change:					
PAINTERS:					
Zone 1 - Monmouth & Ocean (except the Twps. of Ocean, Union, Stafford, Eagleswood, & Little Egg Harbor) Counties:					
Base Rates:					
Paperhanging, Painting, & Allied Work	$10.25		.50		
Spraying & Sandblasting	11.15		.50		
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds three stories or less in height	10.55		.50		
Spraying & Sandblasting under these conditions	11.45		.50		
Premium Rates:					
Work on tanks, stacks, bridges, radio & T.V. towers, water towers, open structural steel & all work above 3 stories on the exterior of all structures	11.15		.50		
Spraying & sandblasting under these conditions	11.80		.50		

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. NM77-4218 - Mod. #1 (42 FR 45589 - September 9, 1977) Statewide, New Mexico					
ADD: BRICKLAYERS' ZONE DEFINITIONS					
ZONE IX - Dona Ana County					
Decision # NC76-1062 - Mod. # 3 (41 FR-21119 - May 21, 1976) Buncombe County, North Carolina					
Change:					
Electricians	6.85	.25	1%+.20		½ of 1%
Sprinkler fitters	5.05				
DECISION NO. OK77-4216 - Mod. #1 (42 FR 44485 - September 2, 1977) Statewide, Oklahoma (except heavy construction within the city of Muskogee).					
CHANGE:					
POWER EQUIPMENT OPERATORS:					
Asphalt paving machine	$5.50				

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. DC77-3108-Mod. #1 (42 FR-September 16, 1977) Washington, D.C.					
Change:					
Electricians	$11.40	.65	3%+.80		.13
DECISION NO. MD77-3109-Mod. #1 (42 FR-September 16, 1977) Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D.C. Training School, and for WMATA-Rapid Rail Transit System Projects Only, Alexandria, Virginia					
Change:					
Electricians	$11.40	.65	3%+.80		.13

MODIFICATIONS P. 5

DECISION #WV77-3101 - Mod. #3 (42 FR-37773 - July 22, 1977) State of West Virginia excluding the Counties of Berkeley, Jefferson, Morgan, Nicholas, & Preston	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Summers & Wyoming Counties:					
Contracts $15,000 or less:					
Wiremen	$ 8.02	.50	3% + .52	.77	.06
Cable splicers	8.32	.50	3% + .52	.77	.06
Contracts over $15,000					
Wiremen	10.92	.50	3% + .52	.77	.06
Cable Splicers	11.22	.50	3% + .52	.77	.06
Fayette (except Falls & Kanawha Twps.) County:					
Contracts $15,000 or less:					
Wiremen	7.82	.50	3% + .52	.77	.06
Cable Splicers	8.12	.50	3% + .52	.77	.06
Contracts over $15,000					
Wiremen	10.72	.50	3% + .52	.77	.06
Cable Splicers	11.02	.50	3% + .52	.77	.06
Raleigh (except Clear Fork & Marsh Fork Twps.) County:					
Contracts $15,000 or less					
Wiremen	7.52	.50	3% + .52	.77	.06
Cable Splicers	7.82	.50	3% + .52	.77	.06
Contracts over $15,000					
Wiremen	10.42	.50	3% + .52	.77	.06
Cable Splicers	10.72	.50	3% + .52	.77	.06
Painters:					
Area 3					
Brush & Roller, Paper & Vinyl hangers, Seamless Floors	7.92		.15		.01
Glove	8.17		.15		.01
Perfa- taping	8.29		.15		.01
Brush - Height over 40'	8.42		.15		.01
Spray, Sandblast, Seamless Floors Epoxy, & Steam Cleaning	8.92		.15		.01

SUPERSEDEAS DECISIONS

STATE: Colorado
DECISION NUMBER: CO77-5080
COUNTY: Statewide
Date : Date of Publication
Supersedes Decision No. CO77-5066 dated July 1, 1977, in 42 FR 34157
DESCRIPTION OF WORK: Heavy and Highway Construction

HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld and Yuma Counties					
Electricians	$ 11.69	.70	3%+.75		.02
Cable Splicers	11.94	.70	3%+.75		.02
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	11.15	.62	3%+.25		1½%
Cable Splicers	11.40	.62	3%+.25		1½%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Alamosa, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone I (Within 12 miles from Pueblo Main Post Office)					
Electricians	11.50	.72	3%+.65		1½%
Cable Splicers	12.65	.72	3%+.65		1½%
Zone II (12 to 20 miles from Pueblo Main Post Office)					
Electricians	11.90	.72	3%+.65		1½%
Cable Splicers	13.05	.72	3%+.65		1½%

DECISION NO. CO77-5080 Page 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Zone 3 (30 to 40 miles from Pueblo Main Post Office)					
Electricians	$ 12.25	.72	3%+.65		1½%
Cable Splicers	13.40	.72	3%+.65		1½%
Zone 4 (40 miles and over from Pueblo Main Post Office)					
Electricians	13.38	.72	3%+.65		1½%
Cable Splicers	14.53	.72	3%+.65		1½%
Electricians on electrical contracts less than $20,000 in Zones 3 and 4	11.00	.72	3%+.65		1½%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park, and Teller Counties					
Electricians	11.50	.72	3%+.50		.015
IRONWORKERS:					
Structural, Ornamental, and reinforcing	10.30	.34	1.25		.12
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	10.38	.70	.85		.07
Spray, Swing Stage	10.98	.70	.85		.07

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Cos.					
Brush	$ 8.07	.50	.50		.04
Steel Painters	8.57	.50	.50		.04
Spray Painters	9.07	.50	.50		.04
Steel Spray	9.57	.50	.50		.04
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	8.94	.70	.50		.04
Spray	9.69	.70	.50		.04
Steel	9.44	.70	.50		.04
Steel Spray	10.19	.70	.50		.04

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters					
*Zone I	$ 8.74	.78	.85	.65	.07
*Zone II	9.24	.78	.85	.65	.07
Underground Carpenters					
*Zone I	8.94	.78	.85	.65	.07
*Zone II	9.44	.78	.85	.65	.07
Working on Creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at job site					
*Zone I	9.04	.78	.85	.65	.07
*Zone II	9.54	.78	.85	.65	.07
CEMENT MASONS:					
*Zone I	8.36	.47	1.15	.30	.10
*Zone II	8.86	.47	1.15	.30	.10

LABORERS (Heavy & Highway Construction)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1	Zone 2				
Group 1	$ 6.90	$ 7.40	.49	.55		.05
Group 2	7.00	7.50	.49	.55		.05
Group 3	7.30	7.80	.49	.55		.05
Group 4	7.45	7.95	.49	.55		.05
Group 5	7.65	8.15	.49	.55		.05
LABORERS (Tunnels)						
Group 1	6.90	7.40	.49	.55		.05
Group 2	7.80	8.30	.49	.55		.05
Group 3	7.90	8.40	.49	.55		.05
Group 4	7.98	8.48	.49	.55		.05
Group 5	8.05	8.55	.49	.55		.05
Group 6	8.20	8.70	.49	.55		.05
(Shafts, Raises, Missile Silos and all underground work other than Tunnels)						
Group 1	7.90	8.40	.49	.55		.05
Group 2	8.05	8.55	.49	.55		.05
Group 3	8.15	8.65	.49	.55		.05
Group 4	8.33	8.83	.49	.55		.05
Group 5	8.43	8.93	.49	.55		.05
Group 6	8.48	8.98	.49	.55		.05

LABORERS
(Heavy and Highway Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattressess; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helepr; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as safety requirement. (All lines and safety belts used shall be of a type approved by State and Federal laws); Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Pine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

LABORERS (Cont'd)
(Heavy and Highway Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work; Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Pugs and Galleys in Dams

LABORERS
(Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying or concrete processing materials

Group 6: Collapsible from movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

LABORERS (Cont'd)
(Shafts, Raises, Missile Silos and all Underground Work other than Tunnels)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; applying of Concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. (All lines and safety belts used shall be of a type approved by State and Federal laws)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
Group 1	$ 8.25	$ 9.00	.54	.85	.30	.06
Group 2	8.60	9.35	.54	.85	.30	.06
Group 3	8.95	9.70	.54	.85	.30	.06
Group 4	9.10	9.85	.54	.85	.30	.06
Group 5	9.25	10.00	.54	.85	.30	.06
Group 6	9.40	10.15	.54	.85	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	8.40	9.15	.54	.85	.30	.06
Group 2	8.75	9.50	.54	.85	.30	.06
Group 3	8.85	9.60	.54	.85	.30	.06
Group 4	9.10	9.85	.54	.85	.30	.06
Group 5	9.25	10.00	.54	.85	.30	.06
Group 6	9.65	10.40	.54	.85	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34S or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy and Highway Construction	ZONE 1*	ZONE 2*				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 7.80	$ 8.30	.50	.35	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	8.40	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	8.50	.50	.35	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	8.55	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	8.60	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	8.15	8.65	.50	.35	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	8.20	8.70	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$ 8.25	$ 8.75	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	8.85	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	8.40	8.90	.50	.35	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.50	9.00	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.65	9.15	.50	.35	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.70	9.20	.50	.35	.30	
MECHANIC	8.80	9.30	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.90	9.40	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	9.50	.50	.35	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	9.10	9.60	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	9.80	.50	.35	.30	

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Cable Splicer	$ 11.73	.45	1%		3/4%
Lineman Cableman	11.00	.45	1%		3/4%
Lineman (Journeyman)	10.93	.45	1%		3/4%
Line Equipment Operator	9.30	.45	1%		3/4%
Line Equipment Maintenance Man	9.30	.45	1%		3/4%
Groundman, Experienced	7.67	.45	1%		3/4%
Groundman, Inexperienced	6.96	.45	1%		3/4%

*ZONE DESCRIPTIONS
Carpenters, Cement Masons, Laborers
Power Equipment Operators and Truck Drivers

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	La Plata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West of the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan Park, Summit, and Weld

DECISION NUMBER: CO77-5081

DATE: Date of Publication

Supersedes Decision No. CO77-5067 dated May 6, 1977, in 42 FR 34165

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.44	.57	$ 1.20		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	9.60	.85	.95	.50	.05
Boulder and Grand Counties	9.10	.85	.95		.05
Elbert, Lake and Park Counties	9.85	.50	.60		.04
Larimer County	10.05	.85	.95		.05
Remaining Counties	9.60	.85	.95	.50	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern Area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont, basing points					
Zone I (0 to 20 miles)	9.485	.78	.85	.65	.07
Zone II (20 to 50 miles)	10.67	.78	.85	.65	.07
Zone III (50 miles and over)	11.86	.78	.85	.65	.07
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	9.485	.78	.85	.65	.07
Zone II (20 to 50 miles)	10.67	.78	.85	.65	.07
Zone III (50 miles and over)	11.86	.78	.85	.65	.07
Larimer County (S.E. portion within Loveland basing point, Zone 1)	9.485	.78	.85	.65	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Larimer (Remainder of County), Eagle, Lake, Park (South 40 miles) and Summit Counties					
Zone I (0-30 miles from P.O. in Leadville or Fort Collins)	$ 8.69	.78	.85	.65	.07
Zone II (30-60 miles from P.O. in Leadville or Fort Collins)	8.94	.78	.85	.65	.07
Zone III (All work outside of the 60 mile radius from P.O. in Leadville or Fort Collins)	9.19	.78	.85	.65	.07
CEMENT MASONS:					
Cement Masons	9.22	.49	1.15	.60	.09
Working with composition materials and color	9.72	.49	1.15	.60	.09
Working on scaffold, swing stage, or temporary platform over 25'	9.47	.49	1.15	.60	.09
DRYWALL INSTALLERS	9.29	.78	.85	.65	.07
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	10.95	.42	3%+.50		.015
Electricians (Remaining Cos.)	11.69	.70	3%+.75		.02
Cable Splicers (Remaining Counties)	11.94	.70	3%+.75		.02
ELEVATOR CONSTRUCTORS	10.64	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	11.32				
IRONWORKERS:					
Structural, Ornamental, and Reinforcing	10.30	.84	1.25		.12
LATHERS	10.84				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS:					
Elbert, Lake and Park Cos.	$ 9.86	.50	.50		.04
Remaining Counties	10.26	.90	.85		.07
MILLWRIGHTS	9.93	.78	.85		.07
PAINTERS:					
Park County (Southern half)					
Brush, Roller, Taper, hand texture	8.94	.70	.50		.04
Steel and Paperhanger	9.44	.70	.50		.04
Spray	9.69	.70	.50		.04
Steel Spray	10.19	.70	.50		.04
Remaining Counties including N½ of Park County*					
Brush, Roller and Drywall Finisher	10.38	.70	.85		.07
Spray; Swing Stage, Paperhangers	10.98	.70	.85		.07
PLASTERERS	10.84				.01
PLUMBERS; Steamfitters:					
Southern portions of Douglas, Elbert and Park Counties*	9.05	.60	.75	1.17	.08
Boulder County	10.60	.75	.95	.65	.10
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	10.67	.75	.95	.60	.08
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas and Elbert Counties**	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	9.81	.80	.50		.08
SHEET METAL WORKERS	11.35	3%+.50	1.41		.08
SOFT FLOOR LAYERS	9.63	.40	.75	.30	.10
SPRINKLER FITTERS	11.65	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS	$ 9.75	.71	.70		.04
TILE LAYERS:					
Elbert, Lake and Park Counties	9.86	.50	.50		
Remaining Counties	10.26	.90	.85		.04
TILE, MARBLE & TERRAZZO HELPERS:					
Helpers	7.85	.90	.85	.50	
Floor Grinders	8.00	.90	.85	.50	
Base Grinders	8.55	.90	.85	.50	

*Park County dividing Line:
Line from the S.W. corner of Jefferson County to the S.E. corner of Lake County

**Area South of Lake County to a point 2 miles north of the City of Leadville to a point 1/2 mile north of the City of Limon at the west border of Lincoln County

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1	Zone 2	Zone 3				
AREA A							
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	7.00	7.45	7.90	.49	.55		.05
Group 3	7.28	7.73	8.18	.49	.55		.05
Group 4	7.50	7.95	8.40	.49	.55		.05
Group 5	7.55	8.00	8.45	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05
AREA B							
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	6.90	7.35	7.80	.49	.55		.05
Group 3	7.18	7.63	8.08	.49	.55		.05
Group 4	7.38	7.83	8.28	.49	.55		.05
Group 5	7.22	7.67	8.12	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

LABORERS (Cont'd)
Zone Descriptions

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying West of the east line of Range 65 West and North of the south line of Township 7 south. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

AREA B

Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan and Park Counties

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities.

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities.

LABORERS (Cont'd)

GROUP DESCRIPTION For ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
Group 1	$ 8.25	$ 9.00	.54	.85	.30	.06
Group 2	8.60	9.35	.54	.85	.30	.06
Group 3	8.95	9.70	.54	.85	.30	.06
Group 4	9.10	9.85	.54	.85	.30	.06
Group 5	9.25	10.00	.54	.85	.30	.06
Group 6	9.40	10.15	.54	.85	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	8.40	9.15	.54	.85	.30	.06
Group 2	8.75	9.50	.54	.85	.30	.06
Group 3	8.85	9.60	.54	.85	.30	.06
Group 4	9.10	9.85	.54	.85	.30	.06
Group 5	9.25	10.00	.54	.85	.30	.06
Group 6	9.65	10.40	.54	.85	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1*	ZONE 2*				
PICKUPS; Belpers; Scalemen; Checkers; Spotters; Dumpmen	$ 7.80	$ 8.30	.50	.35	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	8.40	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	8.50	.50	.35	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	8.55	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	8.60	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, Semi or combination	8.15	8.65	.50	.35	.30	
MULTI-PURPOSE TRUCK; Speciality AND Hoisting	8.20	8.70	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$ 8.25	$ 8.75	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	8.85	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	8.40	8.90	.50	.35	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.50	9.00	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.65	9.15	.50	.35	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.70	9.20	.50	.35	.30	
MECHANIC	8.80	9.30	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.90	9.40	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	9.50	.50	.35	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	9.10	9.60	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	9.80	.50	.35	.30	

*ZONE DESCRIPTIONS

Power Equipment Operators and Truck Drivers

A. Counties entirely within Zone 1:

Boulder	Douglas	Larimer
Clear Creek	Gilpin	Morgan
Denver	Jefferson	Weld

B. Counties entirely within Zone 2:

Grand Lake Park Summit

C. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within zone 1, as follows:
All of Adams, Arapahoe, Elbert Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West

D. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are includes within Zone 2, as follows:
All of Adams, Arapahoe, Elbert Counties lying East of the Township line between R59W and R60W of the 8th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West

SUPERSEDEAS DECISION

STATE: Colorado
COUNTY: El Paso
DECISION NUMBER: CO77-5082
DATE: Date of Publication
Supersedes Decision No. CO77-5068 dated July 1, 1977, in 42 FR 34172.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.44	.57	$ 1.20		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	10.15	.85	.70		.04
CARPENTERS:					
Zone I (0-30 miles from Post Office in Colorado Springs)	8.69	.78	.85	.65	.07
Zone 2 (30 miles and over from Post Office in Colorado Springs)	8.94	.78	.85	.65	.07
CEMENT MASONS:					
Cement Masons	8.25	.47	1.15	.60	.09
Working with Composition materials and color	8.75	.47	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	8.50	.47	1.15	.60	.09
DRYWALL INSTALLERS	9.29	.78	.85	.65	.07
ELECTRICIANS	11.50	.72	3%+.50		.015
ELEVATOR CONSTRUCTORS	10.64	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.06				
IRONWORKERS:					
Structural, Ornamental, and Reinforcing	10.30	.84	1.25		.12
LATHERS	10.29				.01
MARBLE SETTERS	9.86	.50	.50		
MILLWRIGHTS	9.93	.78	.85		.07
PAINTERS:					
Brush and Roller; Tapers, hand texture	8.94	.70	.50		.04
Paperhangers; Steel	9.44	.70	.50		.04
Spray	9.69	.70	.50		.04
Steel Spray	10.19	.70	.50		.04
PLASTERERS	10.84				.01
PLUMBERS; Pipefitters	10.15	.75	.95	1.40	.10
ROOFERS	9.41	.52	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS	$ 11.35	3%+.50	$ 1.41		.08
SOFT FLOOR LAYERS	9.63	.40	.75	.30	.10
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS	9.75	.71	.70		.08
TILE SETTERS	9.86	.50	.50		
TILE, MARBLE & TERRAZZO HELPERS:					
Helpers	7.85	.90	.85	.50	
Floor Grinders	8.00	.90	.85	.50	
Base Grinders	8.55	.90	.85	.50	

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Educatio and/or Appr. Tr
	ZONE 1*	ZONE 2*	ZONE 3*				
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	7.00	7.45	7.90	.49	.55		.05
Group 3	7.28	7.73	8.18	.49	.55		.05
Group 4	7.50	7.95	8.40	.49	.55		.05
Group 5	7.55	8.00	8.45	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

ZONE 1 - That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs

LABORERS (Cont'd)

GROUP DESCRIPTION For ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.25	.54	.85	.30	.06
Group 2	8.60	.54	.85	.30	.06
Group 3	8.95	.54	.85	.30	.06
Group 4	9.10	.54	.85	.30	.06
Group 5	9.25	.54	.85	.30	.06
Group 6	9.40	.54	.85	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	8.40	.54	.85	.30	.06
Group 2	8.75	.54	.85	.30	.06
Group 3	8.85	.54	.85	.30	.06
Group 4	9.10	.54	.85	.30	.06
Group 5	9.25	.54	.85	.30	.06
Group 6	9.65	.54	.85	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tnnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpman	$ 7.80	.50	.35	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	.50	.35	.30	
STRADDLE TRUCK: Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	8.15	.50	.35	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	8.20	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$ 8.25	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	8.40	.50	.35	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.50	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.65	.50	.35	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.70	.50	.35	.30	
MECHANIC	8.80	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.90	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	.50	.35	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	9.10	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	.50	.35	.30	

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: CO77-5083 DATE: Date of Publication

Supersedes Decision No. CO77-5069 dated July 1, 1977, in 42 FR 34177

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.44	.57	$ 1.20		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS	10.27	.85	.70		.04
CARPENTERS	8.69	.78	.85	.65	.07
CEMENT MASONS:					
Cement Masons	9.07	.49	1.15	.60	.09
Working with composition material and color	9.57	.49	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	9.32	.49	1.15	.60	.09
DRYWALL INSTALLERS	9.29	.78	.85	.65	.07
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	11.50	.72	3%+.65		1½%
Cable Splicers	12.65	.72	3%+.65		1½%
Zone II (12-20 miles from P.O.)					
Electricians	11.90	.72	3%+.65		1½%
Cable Splicers	13.05	.72	3%+.65		1½%
Zone III (20-40 miles from P.O.)					
Electricians	12.25	.72	3%+.65		1½%
Cable Splicers	13.40	.72	3%+.65		1½%
Zone IV (Over 40 miles from P.O.)					
Electricians	13.38	.72	3%+.65		1½%
Cable Splicers	14.53	.72	3%+.65		1½%
Electrical contracts under $20,000 in Zones III and IV	11.00	.72	3%+.65		1½%
ELEVATOR CONSTRUCTORS	10.64	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	11.32				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	10.30	.84	1.25		.12
LATHERS	9.56				.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE & TILE SETTERS, TERRAZZO WORKERS	$ 9.75	.71	.70		.04
MILLWRIGHTS	9.93	.78	.85		.07
PAINTERS:					
Brush, roller, tapers, hand texture	8.07	.50	.50		.04
Steel; Paperhangers	8.57	.50	.50		.04
Spray, Tapers using Automatic tools	9.07	.50	.50		.04
Spray Steel	9.57	.50	.50		.04
PLASTERERS	10.84				.01
PLUMBERS:					
Zone I (0-15 miles from P.O.)	11.62	.75	.95		.08
Zone II (15-20 miles from P.O.)	12.19	.75	.95		.08
Zone III (20-40 miles from P.O.)	12.62	.75	.95		.08
Zone IV (Over 40 miles from P.O.)	13.645	.75	.95		.08
ROOFERS	9.41	.52	.40		
SHEET METAL WORKERS	11.35	3%+.50	1.41		.08
SOFT FLOOR LAYERS:					
Las Animas and Otero Counties	9.63	.40	.75	.30	.10
Pueblo County	8.20	.40	.75	.30	.05
SPRINKLER FITTERS	11.65	.65	.95		
TILE, MARBLE & TERRAZZO HELPERS:					
Helpers	7.85	.90	.85	.50	
Floor Grinders	8.00	.90	.85	.50	
Base Grinders	8.55	.90	.85	.50	

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS	Basic Hourly Rates ZONE 1*	Basic Hourly Rates ZONE 2*	Basic Hourly Rates ZONE 3*	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	7.00	7.45	7.90	.49	.55		.05
Group 3	7.28	7.73	8.18	.49	.55		.05
Group 4	7.50	7.95	8.40	.49	.55		.05
Group 5	7.55	8.00	8.45	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities.

LABORERS (Cont'd)

GROUP DESCRIPTION For ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates Zone 1*	Basic Hourly Rates Zone 2*	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.25	$ 9.00	.54	.85	.30	.06
Group 2	8.60	9.35	.54	.85	.30	.06
Group 3	8.95	9.70	.54	.85	.30	.06
Group 4	9.10	9.85	.54	.85	.30	.06
Group 5	9.25	10.00	.54	.85	.30	.06
Group 6	9.40	10.15	.54	.85	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	8.40	9.15	.54	.85	.30	.06
Group 2	8.75	9.50	.54	.85	.30	.06
Group 3	8.85	9.60	.54	.85	.30	.06
Group 4	9.10	9.85	.54	.85	.30	.06
Group 5	9.25	10.00	.54	.85	.30	.06
Group 6	9.65	10.40	.54	.85	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	ZONE 1*	ZONE 2*				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 7.80	$ 8.30	.50	.35	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	8.40	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	8.50	.50	.35	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	8.55	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	8.60	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	8.15	8.65	.50	.35	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	8.20	8.70	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment	$ 8.25	$ 8.75	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	8.85	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	8.40	8.90	.50	.35	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.50	9.00	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.65	9.15	.50	.35	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.70	9.20	.50	.35	.30	
MECHANIC	8.80	9.30	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.90	9.40	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	9.50	.50	.35	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	9.10	9.60	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	9.80	.50	.35	.30	

*ZONE DESCRIPTIONS

Power Equipment Operators and Truck drivers

A. Counties entirely within Zone 1:
Otero Pueblo

B. Portions of Las Animas County which are included within Zone 1, as follows:
All of Las Animas County lying west of the Township line between R59W and R60W of the 7th 7th Guide Meridian West.

C. Portions of Las Animas County which are included within Zone 2, as follows:
All of Las Animas County lying East of the Township line between R59W and R60W of the 7th Guide Meridian West.

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: CO77-5084

DATE : Date of Publication

Supersedes Decision No. CO77-5070 dated July 1, 1977, in 42 FR 34182

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.44	.57	$ 1.20		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	9.70	.60	.70	.25	.05
Remaining Counties	10.05	.65	.70		.05
CARPENTERS:					
Post Office basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	8.69	.78	.85	.65	.07
Zone II (30-60 miles from nearest basing point)	8.94	.78	.85	.65	.07
Zone III (60 miles and over from nearest basing point)	9.19	.78	.85	.65	.07
CEMENT MASONS:					
Cement Masons	9.22	.49	1.15	.60	.09
Working with composition materials and color	9.72	.49	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	9.47	.49	1.15	.60	.09
DRYWALL INSTALLERS	9.29	.78	.85	.65	.07
ELECTRICIANS:					
Electricians	11.15	.62	3%+.25		1½%
Cable Splicers	11.40	.62	3%+.25		1½%
ELEVATOR CONSTRUCTORS	10.64	.545	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELEPRS (PROB.)	50%JR				
GLAZIERS	11.32				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Structural, Ornamental and Reinforcing	$10.30	.84	$1.25		.12
LATHERS	10.84				.01
MARBLE & TILE SETTERS, TERRAZZO WORKERS	10.26	.90	.85		.04
MILLWRIGHTS	9.93	.78	.85		.07
PAINTERS:					
Brush, Roller and Drywall Finishers	10.38	.70	.85		.07
Paperhangers, Spray, Swing Stage	10.98	.70	.85		.07
PLASTERERS	10.14				.01
PLUMBERS	11.50	.75	.95		.10
ROOFERS	9.41	.52	.40		
SHEET METAL WORKERS	11.35	3%+.50	1.41		.08
SOFT FLOOR LAYERS	9.63	.40	.75	.30	.10
SPRINKLER FITTERS	11.65	.65	.95		.08
TILE, MARBLE & TERRAZZO HELPERS:					
Helpers	7.85	.90	.85	.50	
Floor Grinders	8.00	.90	.85	.50	
Base Grinders	8.55	.90	.85	.50	

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS Garfield and Pitkin Cos.	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*	Zone 3*				
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	6.90	7.35	7.80	.49	.55		.05
Group 3	7.18	8.63	8.08	.49	.55		.05
Group 4	7.38	7.83	8.28	.49	.55		.05
Group 5	7.22	8.67	8.12	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

*Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Aspen, Glenwood, Springs and Rifle.

*Zone 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named Cities.

*Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

LABORERS Delta, Gunnison, Mesa and Montrose Counties	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1**	Zone 2**	Zone 3**				
Group 1	$ 5.50	$ 5.95	$ 6.40	.49	.55		.05
Group 2	7.00	7.45	7.90	.49	.55		.05
Group 3	7.28	7.73	8.18	.49	.55		.05
Group 4	7.50	7.95	8.40	.49	.55		.05
Group 5	7.55	8.00	8.45	.49	.55		.05
Group 6	7.70	8.15	8.60	.49	.55		.05

**Zone 1: That area encompassed by 0to 30 driving miles from the main Post Office in each of the following Cities: Grand Junction, Gunnison, Montrose, and Naturita.

**Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

**Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

LABORERS (Cont'd)

GROUP DESCRIPTION For ALL COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborers

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechnical, air, gas, and electrical tools, incuding Self-propelled Buggies and Cement Finsihers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and shoring over twelve (12) feet below working surface, Bellers and stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
Group 1	$ 8.25	$ 9.00	.54	.85	.30	.06
Group 2	8.60	9.35	.54	.85	.30	.06
Group 3	8.95	9.70	.54	.85	.30	.06
Group 4	9.10	9.85	.54	.85	.30	.06
Group 5	9.25	10.00	.54	.85	.30	.06
Group 6	9.40	10.15	.54	.85	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	8.40	9.15	.54	.85	.30	.06
Group 2	8.75	9.50	.54	.85	.30	.06
Group 3	8.85	9.60	.54	.85	.30	.06
Group 4	9.10	9.85	.54	.85	.30	.06
Group 5	9.25	10.00	.54	.85	.30	.06
Group 6	9.65	10.40	.54	.85	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, track mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/Blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERTORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drums or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 7.80	$ 8.30	.50	.35	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	7.90	8.40	.50	.35	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	8.00	8.50	.50	.35	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	8.05	8.55	.50	.35	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	8.10	8.60	.50	.35	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	8.15	8.65	.50	.35	.30	
MULTI-PURPOSE TRUCK; Specialty and Hoisting	8.20	8.70	.50	.35	.30	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Zone 1*	Zone 2*				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youm-buggy, Jumbo and similar type equipment	$ 8.25	$ 8.75	.50	.35	.30	
TRUCK DRIVER, Snow Plow	8.35	8.85	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	8.40	8.90	.50	.35	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.50	9.00	.50	.35	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.65	9.15	.50	.35	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.70	9.20	.50	.35	.30	
MECHANIC	8.80	9.30	.50	.35	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.90	9.40	.50	.35	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	9.00	9.50	.50	.35	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	9.10	9.60	.50	.35	.30	
DUMP TRUCKS, over 104 cu. yds.	9.30	9.80	.50	.35	.30	

ZONE DESCRIPTIONS
Power Equipment Operators and Truck Drivers

A. Counties entirely within Zone 1:
Delta Garfield Mesa

B. Counties entirely within Zone 2:
Gunnison Pitkin

C. Legal description of the portion of Montrose County which is included within Zone 1, as follows:
All of Montrose County lying north of the North line of Ouray County and said North Line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian

D. Legal description of the portion of Montrose County which is included within Zone 2, as follows:
All of Montrose County except that part lying north of the North Line of Ouray County and said North Line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTIES: DeKALB & FULTON
DECISION NO.: GA77-1115 DATE: DATE OF PUBLICATION
Supersedes Decision No. AB-4038, dated September 27, 1974, in 39 FR 34984.
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which includes building structures; railroad construction; and paving associated with building construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$ 4.54				
Concrete finishers (cement masons)	4.39				
Electricians	10.10	9%	11%		½ of 1%
Form setters	4.21				
Ironworkers - reinforcing	3.50				
Laborers:					
Asphalt rakers	3.91				
Drill operators	3.80				
Pipelayers	3.43				
Unskilled	3.31				
Truck drivers	3.33				
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	5.70				
Asphalt paving machine (asphalt screed; asphalt spreader)	4.90				
Backhoe	4.84				
Bulldozer	3.90				
Crane, derrick, dragline	5.74				
Front end loader	4.87				
Mechanic	4.13				
Motor grader (motor patrol)	4.81				
Piledriver	4.75				
Roller	5.70				
Scraper (Pan)	4.05				

SUPERSEDEAS DECISION

STATE: Hawaii
DECISION NUMBER: HI77-5087
COUNTIES: Statewide
DATE : Date of Publication
Supersedes Decison No. HI77-5030 dated March 4, 1977, in 42 FR 12579
DESCRIPTION OF WORK: Building (including single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.99	.65	$ 2.00	.70	.06
BOILERMAKERS	9.73	.65	1.00		.03
BRICKLAYERS; Stonemasons	10.50	1.10	1.45		.10
CARPENTERS:					
Carpenters; Hardwood Floor-layers; Patent Scaffold Erectors; Pneumatic Nailer; Shinglers	9.65	.94	1.70	1.00	.16
Power Saw Operator (2 HP and above)	9.80	.94	1.70	1.00	.16
Millwrights	9.90	.94	1.70	1.00	.16
CEMENT MASONS:					
Cement Masons	9.33	1.10	1.45	.60	.10
Trowel Machine Operators	9.48	1.10	1.45	.60	.10
DRAPERY INSTALLERS	6.45	.50	.40	b	
DRYWALL APPLICATOR	9.75	.94	1.70	1.00	.12
ELECTRICIANS:					
Electricians; Linemen	10.67	.75	15%+1.74	11.2%	.20
Technicians	10.99	.75	15%+1.74	11.2%	.20
Line Equipment Men	9.60	.75	15%+1.74	11.2%	.20
Groundmen	8.00	.75	15%+1.74	11.2%	.20
Cable Splicers	11.74	.75	15%+1.74	11.2%	.20
ELEVATOR CONSTRUCTORS	12.15	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FENCE ERECTORS (Chain Link)	8.39	.23	.29	.10	.03
GLAZIERS	9.64	.96	.85	.97	.12
IRONWORKERS:					
Bridge; Ornamental; Reinforcing; Structural	10.15	.85	1.27	.95	.10
LATHERS	10.09	.85	1.25		.16
LINE CONSTRUCTION WORKERS:					
Electricians; Linemen	10.67	.75	15%+1.74	11.2%	.20
Technicians	10.99	.75	15%+1.74	11.2%	.20
Line Equipment Men	9.60	.75	15%+1.74	11.2%	.20
Groundmen	8.00	.75	15%+1.74	11.2%	.20
Cable Splicers	11.74	.75	15%+1.74	11.2%	.20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS	$ 10.47	$ 1.10	$ 1.45		.10
PAINTERS:					
Brush	9.00	.79	3.00	.75	.10
Tapers	9.20	.79	3.00	.75	.10
Spray	9.50	.79	3.00	.75	.10
PLASTERERS	9.74	1.10	1.75	.60	.16
PLASTERERS' HOD CARRIERS:					
Hod Carriers	8.01	.64	1.06	.38	.13
Mortar Mixers	8.21	.64	1.06	.38	.13
PLUMBERS; Steamfitters	10.40	1.20	2.05	1.45	.20
ROOFERS	9.80	.85	.75	.25	.10
SHEET METAL WORKERS	10.05	.76	1.82+.40	.88	.32
SOFT FLOOR LAYERS	11.44	.65	.50	.15	.12
SPRINKLER FITTERS	11.51	.85	.95		.08
TERRAZZO WORKERS and TILE SETTERS	10.50	1.10	1.45		.10
TRUCK DRIVERS:					
Flatbed Dump, 8 yds. and under; Water Truck (up to and including 2000 gallons)	7.93	.90	2.20	.75	.15
Water Truck (over 2000 gallons)	8.20	.90	2.20	.75	.15
Tandem, Semi-trailer or Semi-Dump	8.51	.90	2.20	.75	.15
Slip-in or pup	9.16	.90	2.20	.75	.15
End Dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor Trailer (hauling equipment)	9.48	.90	2.20	.75	.15
	9.59	.90	2.20	.75	.15

RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Seven Paid Holidays: A through G. A-New Year's Day; B-Memorial Day; C-Kamehaha Day; D-Fourth of July; E-Labor Day; F-Thanksgiving Day; G-Christmas Day. In order to be eligible for a Paid Holiday, employees must work the last working day before the holiday and the first working day following the holiday. If the employee did not work either of these two days due to illness or layoff, he shall be entitled to holiday pay. In case of illness, the Company may require proof of illness.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DREDGING:					
Hydraulic suction dredges; Clamshell dredges; Boat Operators; Derricks:					
Leverman	$ 10.29	.90	$ 2.20	.75	.15
Operators (Derricks, Pile-drivers and Cranes)	10.54	.90	2.20	.75	.15
Assistant Engineer (steam or electric)	9.93	.90	2.20	.75	.15
Welder	9.93	.90	2.20	.75	.15
Boat Operator	9.99	.90	2.20	.75	.15
Deckmate; Barge Mate (seagoing)	9.48	.90	2.20	.75	.15
Winchman (stern winch on dredge)	9.16	.90	2.20	.75	.15
Fireman	8.20	.90	2.20	.75	.15
Oiler; Deckhand (can operate anchor scow under direction of deckmate)	7.93	.90	2.20	.75	.15
Boat Deckhand	7.28	.90	2.20	.75	.15
Leveeman; Bargeman	7.76	.90	2.20	.75	.15
Master Boat Operator	10.29	.90	2.20	.75	.15

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.61	.64	$ 1.06	.38	.13
Group 1-a	8.11	.64	1.06	.38	.13
Group 1-b	8.31	.64	1.06	.38	.13
Group 1-c	8.36	.64	1.06	.38	.13
Group 1-d	8.36	.64	1.06	.38	.13
Group 1-e	6.00	.64	.10	.38	
Group 2	7.86	.64	1.06	.38	.13
Group 3	8.06	.64	1.06	.38	.13

LABORERS

Group 1: All clean-up work of debris, grounds, buildings; Bridge Laborers; Construction Laborers; Dumpman; General Laborers; Limbers, Brush Loaders and Pilers

Group 1-a: Mason Tenders

Group 1-b: High Scaler

Group 1-c: Gunnite Operator

Group 1-d: Powderman

Group 1-e: Landscape and Irrigation Laborers

Group 2: Asphalt Shovelers; Cement Dumpers; Choke-setter and Rigger (clearing work); Concrete Chipping; Driller's Helper, Chuck Tender, Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman-hydraulic monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Sloper; All pneumatic, gas and electric tools not listed in Group 1

Group 3: Asphalt Ironers, rakers and hand rollers; Barko and similar type tampers; Buggymobile; Chainsaw, Faller, Logloader and Bucker; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setters; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jackhammer Operator; Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic Workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipe-layers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held-gas, air and electric); Riprap, Stonepaver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (bull float in connection with Laborers' work); Vibrator; Burning, welding, Signaling and Rigging in connection with Laborers' work; Concrete Pump Machine; Joy Drill Model TWM-2A, Gardner Denver DH-143 and similar type drills; Track Drillers, Diamond Core and Wagon Drillers; Davis Trencher T-66 or similar types; Concrete Laborers (wet or dry), including Bucket Tender for Concrete

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.65	.90	$ 2.20	.75	.15
Group 2	7.76	.90	2.20	.75	.15
Group 3	7.93	.90	2.20	.75	.15
Group 4	8.20	.90	2.20	.75	.15
Group 5	8.51	.90	2.20	.75	.15
Group 6	9.16	.90	2.20	.75	.15
Group 7	9.48	.90	2.20	.75	.15
Group 8	9.59	.90	2.20	.75	.15
Group 9	9.70	.90	2.20	.75	.15
Group 9-A	9.93	.90	2.20	.75	.15
Group 10	9.99	.90	2.20	.75	.15
Group 10-A	10.14	.90	2.20	.75	.15
Group 11	10.29	.90	2.20	.75	.15
Group 12	10.65	.90	2.20	.75	.15
Asphalt Paving Group:					
Asphalt Raker	8.20	.90	2.25	a	
Asphalt Roller	9.16	.90	2.25	a	
Asphalt Spreader	9.48	.90	2.25	a	

FOOTNOTE:

a. An employee who has completed two to five years' service shall receive a vacation of one week with pay; each additional year an additional one day vacation with pay; ten or more years, a vacation for two weeks each year; for each year of completed service thereafter to and including fifteen years' service, an addition of one day vacation with pay; fifteen or more years of service, a vacation of three weeks each year with pay.

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty repair shop parts room when needed); Repairman Helper

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete Plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Tugger Hoist, single drum

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Dinky Operator; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (job-site)

Group 5: Agri-Cat (mini-cat); Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline or diesel)

Group 6: Combination Loader and Backhoe including Hopto (up to and including 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports and canals); Drilling Machinery (not to apply to waterliners, wagon drills or jackhammers); Highline Cableway Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Pavement Breakers; Portable Crushers; Power Jumbo Operator (setting slip forms, etc. in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Slip Form Pumps (power driven hydraulic, electric, air, gas, etc. lifting device for concrete forms); Small Rubber-tired Tractors; Trencher (up to and including 6 feet)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter (mechanical or otherwise); Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar); Mine or Shaft Hoist; Mixer-mobile (over 5 tons); Pavement Breaker, Truck mounted, with Compressor Combination; Pavement Breaker with Compressor Combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom D-6 or similar); Trencher (over 6 ft.); Water Tanker (pulled by Euclids, T-Pulls, DW-10, 20, 21 or similar)

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd. up to and including 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and including 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yard to and including 3/4 yard); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu. yds.); Wheel Trencher (over 6")

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons) (single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclid, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurriers or other automatic type); Track-laying type Earthmoving Machine (single engine with tandem scraper); Tractor, Compressor, Drill Combination; Tractor (tandem scraper); Tractors (D-9 or equivalent)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 10-A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu. yd.)

Group 11: Automatic Slip Form Paver (concrete or asphalt); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earthmoving Machine (multiple propulsion power units and two or more scrapers) (up to and including 35 cu. yds. struck "MRC"); Highline Cableway; Lift Slab Machine; Loader (over 12 yards); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 yard and up to 7 yards); Power Blade Operator (16 or over); Pre-stress Wire Wrapping Machine; Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, Mobile; Trencher (pulling attached shield); Universal, Liebber, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" MRC); Power Shovels and Draglines (7 cu. yds. m.r.c. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yds., Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

SUPERSEDEAS DECISION

STATE: Louisiana PARISH: Statewide
DECISION NO.: LA77-4219 DATE: Date of Publication
Supersedes Decision No. LA77-4169, dated July 29, 1977, in 42 FR 38850.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories) and Construction of Highways, Roads, Streets (does not include building structures in rest area projects) and Parking Areas (except those let with a building contract). Building Construction includes construction of sheltered enclosures with walk-in acces for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation and foundation, includes site preparation & includental paving & utilities outside the building.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS					
ZONE 1	$10.345	.475	.90		.04
ZONE 2	10.03	.40	.76		.025
ZONE 3	9.45	.50	1.10		.05
ZONE 4	9.63	.45	.50		

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	9.82	.80	.25		.06
ZONE 2	8.95	.53			
ZONE 3	10.45	.48	.30		.02
ZONE 4	10.42	.35	.20		.035
ZONE 5	9.25				
ZONE 6	8.95	.53			
ZONE 7	9.20	.40	.45		
ZONE 8	8.60		.30		
ZONE 9	9.50		.25		
ZONE 10	9.90				

DECISION NO. LA77-4219

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Evangeline, Pointe Coupee & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish Line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58, through the lower limits of Abita Springs & Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Highway 190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Natchitoches & Sabine Parishes
ZONE 9 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 10 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS					
ZONE 1	$ 8.74	.40			
ZONE 2	9.345	.40	.33		.05
ZONE 3	9.45	.35	.30		
ZONE 4	9.98	.35	.45		.04
ZONE 5	9.92	.45	.30		.04
ZONE 6	9.755	.45	.30		.04
ZONE 7	8.90				
ZONE 8	8.95	.40	.30		.04
ZONE 9	8.80				
ZONE 10	8.70	.50	.30		.05

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

AREA COVERED BY CARPENTERS ZONES (CONT'D)
ZONE 4 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 5 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 6 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 3) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (BUILDING CONSTRUCTION)					
ZONE 1	$ 8.91				
ZONE 2	9.15				
ZONE 3	8.45	.35	.50		.05
ZONE 4	9.445	.35	.30		.04
ZONE 5	8.35				
ZONE 6	6.50				
ZONE 7	8.35	.35			
ZONE 8	8.22		.25		
ZONE 9	6.85		.30		

AREA COVERED BY CEMENT MASONS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (the lower half) & Terrebonne Parishes
ZONE 5 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (HIGHWAY CONSTRUCTION)					
ZONE 1	$ 9.15				
ZONE 2	6.45				
ZONE 3	7.10	.30			
ZONE 4	8.50				
ZONE 5	7.60				
On concrete lined ditches	8.45	.35	.50		.05
ZONE 6	6.30				
ZONE 7	5.72				

AREA COVERED BY CEMENT MASONS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu & Cameron Parishes
ZONE 5 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 6 - Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberville, Jefferson Davis, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Vernon, Webster & West Baton Rouge Parishes
ZONE 7 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS					
Electricians					
ZONE 1	$11.60	5%	8%		3/10%
ZONE 2	10.15	.35	3%		
ZONE 3	12.30	.35	3%+.20		1/10%
ZONE 4	11.15	.35	3%		
ZONE 5	10.95	.35	3%+.30		.03
ZONE 6	10.85	.65	3%		1/2%
ZONE 7	10.60	1.00	3%		1%
ZONE 8	10.25		3%	.30	1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable splicers					
ZONE 1	$11.85	5%	6%		3/10%
ZONE 2	10.65	.35	3%		
ZONE 3	12.55	.35	3%+.20		1/10%
ZONE 4	11.40	.35	3%		
ZONE 5	10.95	.35	3%+.30		.03
ZONE 6	11.35	.65	3%		1/2%
ZONE 7	11.10	1.00	3%		1%
ZONE 8	10.50		3%	.30	1/2%

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1					
Elevator constructors	$ 9.285	.495	.32	4%+a+b	.02
Elevator constructors' helpers	70%JR	.495	.32	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
ZONE 2					
Elevator constructors	8.795	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				

FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

AREA COVERED BY ELEVATOR CONSTRUCTORS' ZONES

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS					
ZONE 1	$ 8.55				
ZONE 2	7.80				.01
ZONE 3	9.625	.17	.30		.01
ZONE 4	7.50		.30		
ZONE 5	6.80				
ZONE 6	8.10				

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Highway 51), Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Jefferson, Lafourche, Livingston (east & south of Highway 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes
ZONE 5 - Bienville (eastern half), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes
ZONE 6 - St. Tammany (northern portion), Tangipahoa (east of Highway 51) & Washington Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (BUILDING CONSTRUCTION)					
ZONE 1	$ 9.86	.63	.35		.04
ZONE 2	10.69	.45	.50		.04
ZONE 3	10.20	.45	.50		.04
ZONE 4	10.05	.45	.65		.04
ZONE 5	8.15	.30	.35		.04
ZONE 6	9.90	.35	.60		.025

AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (east of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avoyelles & Evangeline, southeast along the western city limits of Abbeville, Louisiana, to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississipoi border, west of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico); Parts of Catahoula, Concordia & LaSalle Parishes (south of a line drawn from Natchez, Mississippi thru the city of Carter Point to the Rapides Parish Line, then west along the southern border of Rapides Parish)

ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (west of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Sabine Parish (north of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Rapides, Richland, Tensas, Union & West Carroll Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (east of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Madison Parish (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia & LaSalle Parishes (north of a line drawn from Natchez, Mississippi thru the city of Carter Point to the Rapides Parish line)

ZONE 5 - That part of Madison Parish (including the cities of Mound, Delta & adjacent areas)

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AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES (CONT'D)

ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (southwest of Rapides Parish & west of a line south of the western most border between Rapides & Evangeline Parishes)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS (HIGHWAY CONSTRUCTION)					
ZONE 1	$10.32				
ZONE 2	8.48				
ZONE 3	8.70				
ZONE 4	8.30				
ZONE 5	9.76				
ZONE 6	6.99				
ZONE 7	6.45				
ZONE 8	5.84				

AREA COVERED BY IRONWORKERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson & Orleans Parishes
ZONE 2 - Plaquemines, St. Bernard & St. Charles Parishes
ZONE 3 - East Baton Rouge Parish
ZONE 4 - Calcasieu Parish
ZONE 5 - Bossier & Caddo Parishes
ZONE 6 - Lafayette, Ouachita & Rapides Parishes
ZONE 7 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$ 6.15	.15			
GROUP 2	6.30	.15			
GROUP 3	6.40	.15			
ZONE 2					
GROUP 1	5.77	.15	.10		.05
GROUP 2	5.97	.15	.10		.05
ZONE 3					
GROUP 1	7.30	.15	.10		.05
GROUP 2	7.40	.15	.10		.05
GROUP 3	7.45	.15	.10		.05
GROUP 4	8.26	.15	.10		.05
GROUP 5	7.82	.15	.10		.05
GROUP 6	7.56	.15	.10		.05
GROUP 7	7.35	.15	.10		.05
ZONE 4					
GROUP 1	6.87	.15	.27		.05
GROUP 2	6.97	.15	.27		.05
GROUP 3	7.02	.15	.27		.05
ZONE 5					
GROUP 1	6.47	.15	.27		.05
GROUP 2	6.57	.15	.27		.05
GROUP 3	6.62	.15	.27		.05
ZONE 6					
GROUP 1	7.25	.15	.27		.05
GROUP 2	7.35	.15	.27		.05
GROUP 3	7.50	.15	.27		.05
GROUP 4	7.23	.15	.20		.05
GROUP 5	7.33	.15	.20		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7					
GROUP 1	$ 6.745	.15	.20		.05
GROUP 2	6.895	.15	.20		.05
GROUP 3	6.945	.15	.20		.05
ZONE 8					
GROUP 1	5.41	.15	.10		.05
GROUP 2	5.61	.15	.10		.05
GROUP 3	5.66	.15	.10		.05
GROUP 4	5.71	.15	.10		.05
GROUP 5	6.06	.15	.10		.05
ZONE 9					
GROUP 1	5.95	.15	.10		.05
GROUP 2	6.05	.15	.10		.05
GROUP 3	6.10	.15	.10		.05
GROUP 4	6.15	.15	.10		.05
ZONE 10					
GROUP 1	5.70	.15	.10		.05
GROUP 2	5.80	.15	.10		.05
GROUP 3	5.95	.15	.10		.05

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

GROUP 1 - Building and labor construction

GROUP 2 - Stone mason helpers; mechanical tool operators; sewerman (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzlemen); Sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe and underground tile; septic tank diggers and installers, over 4 feet deep; gas & oil pipeline laborers and wrappers

GROUP 3 - Gunite tool operators

LABORERS - ZONE 2

GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewmen
GROUP 2 - Mason mixer; plaster mixer; mechanical tool operator; sandblaster; laying concrete pipe, clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot and pipe layers); gas and oil pipeline laborers, wrappers and dopers

LABORERS - ZONE 3

GROUP 1 - Building and general laborer; tenders (carpenter, plaster, cement finisher, mason); tank and vessel cleaners
GROUP 2 - Air tool operator (except jackhammer); interior of closed tanks and vessels power equipment
GROUP 3 - Mortar mixers and jackhammer operators
GROUP 4 - Blasterers
GROUP 5 - Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker
GROUP 6 - Wiping joints, laying pipe and tile from pumpcrete
GROUP 7 - Interior of closed tanks and vessels manually

LABORERS - ZONES 4 & 5

GROUP 1 - Building and general laborers, carpenter tenders
GROUP 2 - Power tool operators (hammer men, tamper, vibrators, power buggies, concrete chippers or cutters, chain saw operators, etc.); pipelayers (non-metallic)
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6

GROUP 1 - Building laborers
GROUP 2 - Laborers handling steel pans, stone masons helpers, mechanical tool operators, sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet and over), sand blaster (nozzlemen and pot tender); laying non-metallic pipe over 4 feet deep, septic diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers
GROUP 3 - Gunite tool operators
GROUP 4 - Bricklayers tenders and mason tenders
GROUP 5 - Hod carriers using prime mover to serve a bricklayer; mortar mixers

LABORERS - ZONE 7

GROUP 1 - Common laborers
GROUP 2 - Jackhammermen, sewermen, mason tenders, plasterer tenders, stone masons helpers, vibratormen
GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter helpers; mason tenders (other than cement); Plasterers' tenders; stone mason helpers; concrete workers; scaffold builders
GROUP 2 - Air tool operators (jackhamrer, vibrator, and tamper), sewer pipe joiners and setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); Mortar mixer (wet or dry); motorized buggy operator; water proofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother and shovelers; sewer pipe layers; blaster helpers
GROUP 5 - Powdermen

LABORERS - ZONE 9

GROUP 1 - Building laborers
GROUP 2 - Mason tenders, plasterer tenders; Asphalt rakers, asphalt smoothers
GROUP 3 - Mortar mixers
GROUP 4 - Air jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers

LABORERS - ZONE 10

GROUP 1 - Laborers, tenders (bricknasons, stonemasons, cement masons, carpenters, plasterers); Stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artifical stone; building scaffolds; shoring
GROUP 2 - Mechanical tool operator (air, electric, motor, engine, etc.); Sewer pipe layers; mortar mixers (hand or machine); gunite operator; tile, terrazzo & marble setters helpers
GROUP 3 - Pipe dopers & burners

AREA COVERED BY LABORERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - St. Tammany (as far south as Bayou Lacombe and east to the Mississippi State Line at Pearlington), Tangipahoa (except that portion south of a line running due east from the western boundary of Tangipahoa Parish which follows the northern city limits of Independence, Louisiana to 20 miles east of U.S. Highway 51, than running south paralleling Highway 51 at a 20 mile distance to Lake Pontchartrain) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Parishes; Parts of Assumption, St. James, St. John the Baptist Parishes (north of a line drawn from the southern limits of the town of St. James in St. James Parish to the northern limits of the town of Napoleonville, in Assumption Parish & then directly west to the Parish line, all of St. James Parish except that part which is east of a line drawn from Lutcher, Louisiana to U.S. Highway 61 (Airline Highway) then west on U.S. 61 to Blind River and on a direct line to Manchac, Louisiana)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western parish line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn at Lutcher and north to Blind River and Manchac) & St. Tammany (north as far as Bayou Lacorbe, east to the Mississippi State Line at Pearlington) Parishes
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) & Terrebonne Parishes
ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$ 5.75	.15	.20		.05
ZONE 2	4.80	.15	.10		.05
ZONE 3	4.15	.15	.10		.05
ZONE 4	5.85	.15	.10		.05
ZONE 5	4.10	.15	.10		.05
ZONE 6	3.85	.15	.10		.05
ZONE 7	3.75	.15	.10		.05
GROUP 2					
ZONE 1	5.85	.15	.20		.05
ZONE 2	4.90	.15	.10		.05
ZONE 3	4.25	.15	.10		.05
ZONE 4	5.95	.15	.10		.05
ZONE 5	4.20	.15	.10		.05
ZONE 6	3.95	.15	.10		.05
ZONE 7	3.85	.15	.10		.05
GROUP 3					
ZONE 1	6.30	.15	.20		.05
ZONE 2	5.35	.15	.10		.05
ZONE 3	4.70	.15	.10		.05
ZONE 4	6.40	.15	.10		.05
ZONE 5	4.65	.15	.10		.05
ZONE 6	4.40	.15	.10		.05
ZONE 7	4.30	.15	.10		.05
GROUP 4					
ZONE 1	6.55	.15	.20		.05
ZONE 2	5.60	.15	.10		.05
ZONE 3	4.95	.15	.10		.05
ZONE 4	6.65	.15	.10		.05
ZONE 5	4.85	.15	.10		.05
ZONE 6	4.60	.15	.10		.05
ZONE 7	4.50	.15	.10		.05

CLASSIFICATION DEFINITIONS

GROUP 1 - Laborers, including but not limited to signalman, foundation driller, and demolishing and dismantling man
GROUP 2 - Raker, concrete spreader, carpenters helpers, distributor man, finishers helpers, formsetters helpers, jackhammer operator, jetting laborer, painters helpers, pit man, pipelayer or tile layer, power monkey helper, tamper, tree pruner, stone masons helper, stoker, asphalt raker, concrete shovelers, power tool operator and motorized buggy operator
GROUP 3 - Formsetter, head or master--high type pavement
GROUP 4 - Powderman

AREA COVERED BY LABORERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS					
ZONE 1	$ 8.90				.01
ZONE 2	9.08	.20	.30		.05
ZONE 3	10.585	.30			.01
ZONE 4	10.40				
ZONE 5	7.90				.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - All of Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Vermilion, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (up to a 40 mile radius of Baton Rouge); Parts of Evangeline & St. Mary Parishes (up to a 40 mile radius of Lafayette)
ZONE 2 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes; Parts of Assumption & St. James Parishes (beyond a 40 mile radius of Baton Rouge); Part of St. Mary Parish (beyond a 40 mile radius of Lafayette)
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (that portion beyond a 40 mile radius of Lafayette), Jefferson Davis & Vernon Parishes
ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes
ZONE 5 - Rapides Parish

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Linemen	$10.95	.35	3%+.30		.03
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.35	3%+.30		.03
Operator using hole truck & trailer, or pole hauling & setting truck (not in energized lines)	65%JR	.35	3%+.30		.03
Operator using truck without winch; Groundmen (starting rate to 1½ years service)	45%JR	.35	3%+.30		.03
Groundmen (1½ years service or over)	50%JR	.35	3%+.30		.03
ZONE 2					
Linemen, line equipment & line truck operators	11.60	5%	8%		3/10%
Cable splicers	11.85	5%	8%		3/10%
ZONE 3					
Linemen, equipment operators	12.30	.35	3%+.20		1/10%
Cable splicers	12.55	.35	3%+.20		1/10%
Groundmen	10.30	.35	3%+.20		1/10%
ZONE 4					
Linemen & equipment operators	11.15	.35	3%		
Cable splicers	11.40	.35	3%		
Groundmen	50%JR	.35	3%		
ZONE 5					
Linemen & equipment operators	10.25		3%	.30	1/2%
Cable splicers	10.50		3%	.30	1/2%
Groundmen	60%JR		3%	.30	1/2%
ZONE 6					
Linemen & equipment operators	10.85	.65	3%		1/2%
Cable splicers	11.35	.65	3%		1/2%
Groundmen, 1st 6 months	2.65	.65	3%		1/2%
Groundmen, 2nd 6 months	3.24	.65	3%		1/2%
Groundmen, after 1 year	3.53	.65	3%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 7					
Linemen; Operators	$10.35	.85	3%		1%
Cable splicers	10.85	.85	3%		1%
Groundmen	8.35	.85	3%		1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

MARBLE SETTERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1	$10.42	.35	.20		.035
ZONE 2	10.45	.48	.30		.02
ZONE 3	9.90				
ZONE 4	8.47		.25		
ZONE 5	8.20	.30			
ZONE 6	9.60				

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58 through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' FINISHERS					
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State Line), Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes	$ 6.75	.25			
MILLWRIGHTS					
ZONE 1	$10.845				.05
ZONE 2	10.31	.45	.30		.04
ZONE 3	11.885				.07
ZONE 4	9.46	.40			
ZONE 5	9.65				
ZONE 6	9.70	.40	.30		.04
ZONE 7	9.55				
ZONE 8	9.60	.50	.30		.05
ZONE 9	11.10	.35	.30		

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AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 9) & Terrebonne Parishes
ZONE 3 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 4 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
ZONE 1					
GROUP 1 - Brush, wood or wall, rollers	$ 9.96				
GROUP 2 - Brush on steel, buffer on wood or wall	10.085				
GROUP 3 - Paperhanging, taping & floating	10.16				
GROUP 4 - Spray, wood & wall	10.305				
GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing, steam jennies, spray on steel	10.445				
ZONE 2					
GROUP 1 - Brush; Taping; floating & texture	8.85		.25		.05
GROUP 2 - Sandblasting, industrial & steel	9.72		.25		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 3					
GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters	$ 8.575	.275	.30		.05
GROUP 2 - Structural steel painters of new buildings under construction; the following overall of 30 feet; tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter	8.95	.275	.30		.05
GROUP 3 - Industrial	9.825	.275	.30		.05
ZONE 4					
GROUP 1 - Brush	8.10				
GROUP 2 - Brush swing stage	8.40				
GROUP 3 - Brush industrial	8.15				
GROUP 4 - Spray; Spray steel; sandblasting	9.00				
GROUP 5 - Spray swing stage	9.25				
GROUP 6 - Paperhanger	8.55				
GROUP 7 - Sheet rock finishers	8.40				
ZONE 5					
GROUP 1 - Painters, paperhangers, tapers, floaters; Commercial steel, such as churches or any commercial building with closed roof deck or walls	8.00				
GROUP 2 - Other commercial work brush spray, stage, window jacks, flagpoles & steeple work	8.50				
GROUP 3 - All industrial work including sandblasting or power tools of any kind	9.00				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 6					
GROUP 1 - Painters, tape & float & paperhangers; stage, window jacks & structural steel	$ 8.55	.40	.30		.05
GROUP 2 - Stage, window jacks & structural steel over 30 ft.	8.80	.40	.30		.05
GROUP 3 - Stage, window jacks & structural steel over 75 ft.	9.05	.40	.30		.05
GROUP 4 - Sandblasting, spray	9.15	.40	.30		.05
ZONE 7					
GROUP 1 - Painters, paperhangers, tapers, floaters	7.05				
GROUP 2 - Stage, window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack, sign, tank painting, steeple jack work	8.05				
GROUP 3 - Structural steel, brush	7.55				

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Acadia, Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Highway 51), Vermilion, West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway 22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - St. Tammany (northern portion), Tangipahoa (east of Highway 51) & Washington Parishes

ZONE 5 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Rapides, St. Landry (north half) & Winn (south half) Parishes

ZONE 6 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

ZONE 7 - Bienville (eastern half), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PILEDRIVERMEN					
ZONE 1	$ 9.75	.35	.30		
ZONE 2	9.98	.35	.45		.04
ZONE 3	10.02	.45	.30		.04
ZONE 4	9.345	.40	.33		.05
ZONE 5	9.40				
ZONE 6	9.20	.40	.30		.04
ZONE 7	9.30				
ZONE 8	9.20	.50	.30		.05
ZONE 9	9.64	.40			

AREA COVERED BY PILEDRIVERMEN ZONES

ZONE 1 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
ZONE 2 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 1) & Terrebonne Parishes
ZONE 4 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS					
ZONE 1	$ 8.70				
ZONE 2	8.00				.01
ZONE 3	9.72				
ZONE 4	9.00				.01
ZONE 5	7.05	.30	.20		.03
ZONE 6	6.50				.01
ZONE 7	9.40			1.00	
ZONE 8	9.50		.25		
ZONE 9	8.60		.30		

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (parish line on the west along U.S. Highway 190 through the lower limits of Covington and Abita Springs along State Highway 435 to Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	$10.30	.45	.75		.08
ZONE 2	10.50	.64	.825		.06
ZONE 3	10.30	.50	.55		.10
ZONE 4	9.54	.40	.50	.95	.09
ZONE 5	10.38	.67	.72		.08

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Jefferson, Lafourche (except small portion of western part of Parish), Livingston (northeast corner), Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Parish), St. John the Baptist, St. Tammany, Tangipahoa (southern 1/2 of Parish), Terrebonne (eastern 1/3 of Parish) & Washington Parishes

ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Allen (northeast corner), Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Evangeline (except southwest corner), Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches (south of Highway 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Ouachita, Rapides, Richland, Tensas, Union, Vernon (northeast of Highway 10), West Carroll & Winn (east of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson) Parishes

ZONE 4 - All of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes; Parts of Natchitoches & Vernon Parishes (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Highway 111 between Anacoco & Haddens); Part of Winn Parish (west of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson)

ZONE 5 - Acadia, Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Evangeline (southwest corner), Iberia (western 1/2 of Parish), Jefferson Davis, Lafayette, Pointe Coupee (northwest corner), St. Landry (western 1/3 of Parish), St. Martin (west of Highway 31), St. Mary (western tip), Vermilion & Vernon (south of Highway 111 & southwest of Highway 10) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$ 6.81	.65	.48		.05
GROUP 2	7.15	.65	.48		.05
GROUP 3	7.47	.65	.48		.05
GROUP 4	7.55	.65	.48		.05
GROUP 5	7.86	.65	.48		.05
GROUP 6	9.27	.65	.48		.05
ZONES 2, 3 & 4					
GROUP 1	6.82	.65	.48		.05
GROUP 2	7.15	.65	.48		.05
GROUP 3	7.48	.65	.48		.05
GROUP 4	7.54	.65	.48		.05
GROUP 5	7.87	.65	.48		.05
GROUP 6	9.27	.65	.48		.05
ZONE 5					
GROUP 1	7.13	.65	.48		.05
GROUP 2	6.82	.65	.48		.05
GROUP 3	6.62	.65	.48		.05
GROUP 4	7.40	.65	.48		.05
GROUP 5	9.695	.65	.48		.05
GROUP 6	7.80	.65	.48		.05
GROUP 7	8.45	.65	.48		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 6					
GROUP 1	$ 7.54	.65	.48		.05
GROUP 2	6.97	.65	.48		.05
GROUP 3	6.77	.65	.48		.05
GROUP 4	7.25	.65	.48		.05
GROUP 5	7.95	.65	.48		.05
GROUP 6	9.06	.65	.48		.05
GROUP 7	10.11	.65	.48		.05
GROUP 8	10.36	.65	.48		.05
GROUP 9	10.61	.65	.48		.05
GROUP 10	10.86	.65	.48		.05
ZONE 7					
GROUP 1	9.80	.45	.48		.05
GROUP 2	10.05	.45	.48		.05
GROUP 3	7.12	.45	.48		.05
GROUP 4	7.51	.45	.48		.05
GROUP 5	8.12	.45	.48		.05
GROUP 6	9.55	.45	.48		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4

GROUP 1 - Oiler

GROUP 2 - Mechanic helper

GROUP 3 - Oiler-Driver

GROUP 4 - Scaleman

GROUP 5 - Air compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-Type Tractor (with all attachments except backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)

GROUP 6 - Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum, 4 stories or more or 40 feet (on structures other than buildings); Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)

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POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Scale Operator; Oiler-Driver on Motor Crane; Batch Plant Operator

GROUP 2 - Pumps under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt Spreaders; Backhoe (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Front End Loaders (except farm type); Grease Serviceman; Hoist-1 drum (4 stories or more on buildings); Hoist-1 drum (over 40 feet on structures other than buildings); Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator-Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete-6" and over discharge; Push Cat; Road Pavers; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder, Journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats-requiring licensed operator

GROUP 6 - Bush Hog; Compressor; Concrete pump-under 6" discharge; Concrete Saw; Deck Winch (1 drum); Distributors; Ditching or trenching machines (non-riding type); Dowel Bar Machine; Farm-type tractors (when used to pull discs, grass-cutters, etc.); Hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40 feet or under on structures other than buildings); Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pump (3" and over); Test Pump-Internal combustion engine powered; Water Blast Pumps

GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bull Floats; Concrete Spreader; Farm Type Front End Loaders; Finishing Machines (Roadway, riding type); Roller (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat-not requiring licensed operator

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Snatch Cat; Pumps, 3 inch suction or more

GROUP 2 - Pumps, under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Batch Plant Operator

GROUP 5 - Air Compressor; Asphalt Plant Engineer; Blade Grader; Distributor (Bitum Surface); Finishing Machine (Concrete, Paving); Hoist - 1 drum, less than 4 stories; Concrete Mixer under 16S; Oiler Driver; Pump Crete; Street & Road Sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-hole digger; Tractor operated Bush Hog and similar grass or bush cutting equipment

GROUP 6 - A-Frame Truck; Crew Boat Operator; Fireman; Fork Lift; Straddle Buggy; Traxcavator, Scoopmobile and similar front-end loading equipment with Scoop or Bucket under 1 cubic yard capacity; Locomotive; Well Point System; Unit Operator; Hoist - 1 drum, 4 stories or over

GROUP 7 - Backhoe; Cable Way; Concrete Mixer, 16S and up; Derrick; Crane; Dragline; Dredge; Equipment Maintenance Mechanic; Hoist - 2 drum; Locomotive Crane; Paving Mixer; Piledriver; Road Paver; Roller on asphalt or brick (5 tons or over); Shovel; Sideboom Cat; Bulldozer; Motor Patrol; Scraper; Hydrolift Crane, Hydro-lift Truck, Yard Crane, Cherry Picker, etc.; Foundation, Boring and Reaming Machine; Cement Stabilizer; Trenching Machine; Asphalt Spreader; Traxcavator & similar front end loading equipment with scoop or bucket of 1 cubic yard or more capacity; Tug Boat Operator; Turnapull, Euclid, DW-10 & other similar self-loading earth moving equipment; Concrete Pump (not Pump Crete)

POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D)

GROUP 8 - Crane Operator, 80 tons & over; Crane Operator, Boom 100 feet & over; Piledriver Operator, Leads 100 feet & over

GROUP 9 - Crane Operator, 100 tons & over; Crane Operator, Boom 150 feet & over; Piledriver Operator, Leads 150 feet & over

GROUP 10 - Crane Operator, Boom 250 feet & over; Piledriver Operator, Leads over 250 feet

POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - Assistant Master Mechanic

GROUP 2 - Master Mechanic

GROUP 3 - Oilers

GROUP 4 - Batch Plant Operators; Mechanic Helpers; Oilers (Drivers)

GROUP 5 - A-frame truck, except when working with ironworkers or pipefitters; Air Compressor; Asphalt Plant Engineers; Asphalt Finisher, Screed Men; Blade Graders; Boat Operator; Bullfloats; Concrete Joining Machines; Concrete Mixers, 16s and under; Concrete Spreader; Crusher Operator; Deck Winch Operator (1); Distributors, asphalt "Ditch Witch" and similar equipment; Electric Elevators (inside); Finishing Machine; Fireman; Form Graders; Fork Lifts; Hoist, 1 drum, under 4 stories; Power Subgrader; Pug Mill Operators; Pull Tractors; Pump, Pump Crete; Rollers, except on brick and asphalt; Rubber tired Front End Loader (with or without blade attachments) less than 1 cu. yd. capacity; Scale Operator; Scoopmobile; Snatch Cats; Spray Machines; Stabilizers, less than 3 drums; Straddle-Buggy; Track Machines and equivalent Machines; Tractors or Bulldozers smaller than D-6

GROUP 6 - A-Frame Truck, when working with ironworkers and pipefitters; Bulldozers D-6 and larger; Cable Ways; Concrete Mixers, over 16-s paving machines; Cranes, Derricks; Draglines and Clam Shells; Deck Winches (2); Gradealls; Hi-Ho and similar type equipment; Hoist, 1 drum, 4 stories and over; Hoist, 2 drums or more; Hydro cranes; Mechanic; Motor Patrols; Piledrivers; Rollers on brick and asphalt; Rubber Tired Front End Loader, with or without attachments, 1 cu. yd. capacity or more; Scrapers; Shovels; Backhoes (all types); Sideboom Cats; Stabilizers, 3 drums or more; Traxcavators; Trenching Machines; Unit Operator; Welder, journeymen; Well Point Systems (gas, diesel, electric, etc.); Concrete Pump/Boom Combinations

AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes

ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border)

ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northwest of a straight line drawn from the city of Berwick to the city of Lutcher); Parts of Iberia & southern & northern St. Martin Parishes (east and west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the Louisiana-Mississippi border)

AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES (CONT'D)

ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Parishes (that portion of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi and the Mississippi Sound, on the south by the Gulf of Mexico and on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, Louisiana, due north of the town of Hackley, Louisiana, thence southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay and in a line due south to the Gulf of Mexico)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$ 9.31	.45	.48		.05
ZONE 2	8.31	.25	.39		.05
ZONE 3	9.10	.25	.48		.05
ZONE 4	9.08	.45	.48		.05
ZONE 5	6.69	.25	.30		.05
ZONE 6	6.14	.25	.30		.05
ZONE 7	5.53	.25	.30		.05
GROUP 2					
ZONE 1	9.56	.45	.48		.05
ZONE 2	8.56	.25	.39		.05
ZONE 3	9.35	.25	.48		.05
ZONE 4	9.33	.45	.48		.05
ZONE 5	6.94	.25	.30		.05
ZONE 6	6.39	.25	.30		.05
ZONE 7	5.78	.25	.30		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 3					
ZONE 1	$ 9.06	.45	.48		.05
ZONE 2	8.06	.25	.39		.05
ZONE 3	8.85	.25	.48		.05
ZONE 4	8.83	.45	.48		.05
ZONE 5	6.44	.25	.30		.05
ZONE 6	5.89	.25	.30		.05
ZONE 7	5.28	.25	.30		.05
GROUP 4					
ZONE 1	7.93	.45	.48		.05
ZONE 2	7.13	.25	.39		.05
ZONE 3	7.80	.25	.48		.05
ZONE 4	7.61	.45	.48		.05
ZONE 5	5.58	.25	.30		.05
ZONE 6	5.02	.25	.30		.05
ZONE 7	4.46	.25	.30		.05
GROUP 5					
ZONE 1	7.58	.45	.48		.05
ZONE 2	6.39	.25	.39		.05
ZONE 3	7.21	.25	.48		.05
ZONE 4	7.00	.45	.48		.05
ZONE 5	5.02	.25	.30		.05
ZONE 6	4.48	.25	.30		.05
ZONE 7	3.97	.25	.30		.05
GROUP 6					
ZONE 1	6.88	.45	.48		.05
ZONE 2	5.75	.25	.39		.05
ZONE 3	6.50	.25	.48		.05
ZONE 4	6.30	.45	.48		.05
ZONE 5	4.86	.25	.30		.05
ZONE 6	4.31	.25	.30		.05
ZONE 7	3.81	.25	.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 7					
ZONE 1	$ 6.57	.45	.48		.05
ZONE 2	5.46	.25	.39		.05
ZONE 3	6.16	.25	.48		.05
ZONE 4	5.96	.45	.48		.05
ZONE 5	4.86	.25	.30		.05
ZONE 6	4.31	.25	.30		.05
ZONE 7	3.81	.25	.30		.05
GROUP 8					
ZONE 1	7.95	.45	.48		.05
ZONE 2	7.13	.25	.39		.05
ZONE 3	7.80	.25	.48		.05
ZONE 4	7.61	.45	.48		.05
ZONE 5	5.58	.25	.30		.05
ZONE 6	5.02	.25	.30		.05
ZONE 7	4.46	.25	.30		.05
GROUP 9					
ZONE 1	8.18	.45	.48		.05
ZONE 2	7.38	.25	.39		.05
ZONE 3	8.05	.25	.48		.05
ZONE 4	7.86	.45	.48		.05
ZONE 5	5.83	.25	.30		.05
ZONE 6	5.27	.25	.30		.05
ZONE 7	4.71	.25	.30		.05
GROUP 10					
ZONE 1	6.82	.45	.48		.05
ZONE 2	5.71	.25	.39		.05
ZONE 3	6.41	.25	.48		.05
ZONE 4	6.21	.45	.48		.05
ZONE 5	5.11	.25	.30		.05
ZONE 6	4.56	.25	.30		.05
ZONE 7	4.06	.25	.30		.05

CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over; Crane with 125' boom
GROUP 2 - Crane with 175' boom
GROUP 3 - Heavy Duty Operators-Crane all types; deck winches (2); Hi-Ho and similar type equipment; three drum (or more) stabilizers; pulls all types; concrete mixer one yard and over; all pavers; ditching or trenching machines (track type); mechanics and equipment welders; well-point systems; hoist, two drums or more; hoist, one drum, forty vertical feet or more; scrapers; bull-dozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, one cubic yard or over; shovels and backhoes, all types, and equivalent equipment; piledriver operator; sideboom cats; A-Frame trucks when handling steel or pipe; work boats requiring licensed operators; tugboats; fork lifts over ten ton capacity; and foundation drilling machines
GROUP 4 - Medium Duty Operators-Two drums stabilizers; front end loaders under 1 cubic yard; A-Frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; tow tractor (crawler type); one drum hoist under 40 vertical feet; fireman; concrete spreader; pugmill operator; bituminous distributor on surface treatment and equivalent; bull floats and equivalent; job grease man on "Highway Construction"; unit operator (all Highway Zones); work boats not requiring licensed operators; inboard motored crew boats
GROUP 5 - Light Duty Operators-Single drum stabilizers; concrete mixer under one yard; spray curing machines; rollers on subgrade; one air compressor over 125 cubic feet; form graders; asphalt finisher screed man; pump over 4 inches; scale operators; crusher operators; concrete jointing machines; concrete saw; tack machines and equivalent equipment; pump crete; electric elevator (inside); oiler-driver; farm-type, rubber-tired tractor, with attachments, except back-hoes; Kolum buff and similar equipment; fork lifts, ten ton capacity and under; outboard motored crew boats
GROUP 6 - Mechanic Helper; Batch Plant Operator
GROUP 7 - Oiler
GROUP 8 - Fireman
GROUP 9 - Fireman Operating Steam Valve
GROUP 10 - Oiler on Crane Using Air to Drive Piles

AREA COVERED BY POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes
ZONE 3 - Bossier, Caddo & Red River Parishes
ZONE 4 - Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Bienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington & Webster Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

ROOFERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ZONE 1					
Roofers	$ 9.43		.10		
ZONE 2					
Roofers	8.06	.70	.65	.20	.70
ZONE 3					
Roofers	8.61	.35	.55		.04
ZONE 4					
Roofers	7.50				
Kettlemen	7.00				
ZONE 5					
Roofers	8.55		.20		.02
Kettlemen	5.93		.20		.02

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS					
ZONE 1	$10.67	.40	.27		.10
ZONE 2	10.16	3%+.45	.70		.14
ZONE 3	10.55	.40	.50		.12
ZONE 4	9.75	3%+.55	.40		.16

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS					
ZONE 1	$ 9.345	.40	.33		.05
ZONE 2	9.92	.45	.30		.04
ZONE 3	9.755	.45	.30		.04
ZONE 4	9.45	.35	.30		
ZONE 5	8.90				
ZONE 6	8.95	.40	.30		.04
ZONE 7	8.80				
ZONE 8	8.70	.50	.30		.05

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AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 3 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$10.35	.65	.95		.08
TERRAZZO WORKERS					
ZONE 1	9.10	.25			
ZONE 2	10.45	.48	.30		.02
ZONE 3	8.25				
ZONE 4	8.47		.25		
ZONE 5	8.20	.30			
ZONE 6	9.60				

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS' FINISHERS					
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, West St. Tammany, Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes	$ 6.75	.25			
TILE SETTERS					
ZONE 1	9.10	.25			
ZONE 2	7.65	.48	.30		.02
ZONE 3	9.25				
ZONE 4	8.47		.25		
ZONE 5	8.20	.30			
ZONE 6	9.60				

AREA COVERED BY TILE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS' FINISHERS					
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes	$ 6.75	.25			
TRUCK DRIVERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	4.91				
GROUP 2	5.34				
GROUP 3	5.55				
GROUP 4	5.35				
GROUP 5	5.45				
GROUP 6	5.37				
GROUP 7	5.76				
ZONE 2					
GROUP 1	6.20				
GROUP 2	6.45				
GROUP 3	7.00				
GROUP 4	6.85				
GROUP 5	7.30				
GROUP 6	7.40				
GROUP 7	7.70				
GROUP 8	7.85				

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ZONE 3	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$ 5.47				
GROUP 2	5.55				
GROUP 3	5.80				
GROUP 4	5.95				
GROUP 5	6.10				
GROUP 6	6.30				
GROUP 7	6.65				

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - ZONE 1

GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds.; Mixers on trucks over 3 yds.; Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to and including 8 yds.)
GROUP 4 - Mixers on trucks up to and including 3 yds.
GROUP 5 - Winch trucks
GROUP 6 - Trucks - dump
GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.

TRUCK DRIVERS - ZONE 2

GROUP 1 - Teamster, pick-up drivers
GROUP 2 - Stake bodies (all sizes); Platform dump
GROUP 3 - Truck & trailer; Dump
GROUP 4 - Mixers on trucks, up to and including 3 yds.
GROUP 5 - Mixers over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters, tandem dumps & similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Mississippi wagons, Koehring dumpsters, tandem dumps & similar dirt moving equipment, over 8 yds.

TRUCK DRIVERS - ZONE 3

GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch and water trucks over 3 tons, pickups with trailer
GROUP 5 - Mississippi wagons, floats, tractor trailers; rubber tired tractors and wobble wheels
GROUP 6 - Euclids, lowboys, Dempsey dumpsters, Koehring-dumps, five axle trucks, transit mix over 3 yds., fuel truck
GROUP 7 - Fork lift

AREA COVERED BY TRUCK DRIVERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$ 6.33				
ZONE 2	5.49				
ZONE 3	5.26				
ZONE 4	6.49				
ZONE 5	4.45				
ZONE 6	4.35				
ZONE 7	4.25				
GROUP 2					
ZONE 1	6.46				
ZONE 2	5.61				
ZONE 3	5.35				
ZONE 4	6.62				
ZONE 5	4.56				
ZONE 6	4.46				
ZONE 7	4.36				
GROUP 3					
ZONE 1	6.52				
ZONE 2	5.66				
ZONE 3	5.55				
ZONE 4	6.68				
ZONE 5	4.61				
ZONE 6	4.51				
ZONE 7	4.41				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 4					
ZONE 1	$ 6.60				
ZONE 2	5.73				
ZONE 3	5.73				
ZONE 4	6.75				
ZONE 5	4.67				
ZONE 6	4.57				
ZONE 7	4.47				
GROUP 5					
ZONE 1	6.79				
ZONE 2	5.89				
ZONE 3	6.09				
ZONE 4	6.94				
ZONE 5	4.83				
ZONE 6	4.73				
ZONE 7	4.63				

CLASSIFICATION DEFINITIONS

GROUP 1 - One ton and under; Warehouseman, material checker, receiving clerk, spotter and dumper
GROUP 2 - One and one-half (1½) tons to and including two (2) tons (exclusive of dump trucks), truck mechanic helper
GROUP 3 - Single axle dump trucks, single axle water trucks
GROUP 4 - Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, floats, pole trailers, four axle trailers and truck mechanic
GROUP 5 - Special equipment, euclids and five axle moving equipment

AREA COVERED BY TRUCK DRIVERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

WELDERS - receive rate prescribed for craft performin operation to which welding is incidental

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Bossier, Caddo & Calcasieu
DECISION NO.: LA77-4220 DATE: Date of Publication
Supersedes Decision No. LA77-4170, dated July 29, 1977, in 42 FR 38870.
DESCRIPTION OF WORK: Residential construction consisting if sinlge family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Bossier & Caddo Parishes	$10.03	.40	.76		.025
Calcasieu Parish	10.345	.475	.90		.04
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS:					
Bossier & Caddo Parishes	9.20	.40	.45		
Calcasieu Parish	10.45	.48	.30		.02
CARPENTERS:					
Bossier & Caddo Parishes:					
Carpenters	8.95	.40	.30		.04
Millwrights	9.70	.40	.30		.04
Piledrivermen	9.20	.40	.30		.04
Calcasieu Parish:					
Carpenters & piledrivermen	9.345	.40	.33		.05
Millwrights	10.845				.05
CEMENT MASONS:					
Bossier & Caddo Parishes	8.35	.35			
Calcasieu Parish	9.15				
ELECTRICIANS:					
Bossier & Caddo Parishes:					
Electricians	10.60	1.00	3%		1%
Cable splicers	11.10	1.00	3%		1%
Calcasieu Parish:					
Electricians	12.30	.35	3%+.20		1/10%
Cable splicers	12.55	.35	3%+.20		1/10%
ELEVATOR CONSTRUCTORS:					
Bossier & Caddo Parishes:					
Mechanics	8.795	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
Calcasieu Parish:					
Mechanics	9.285	.495	.32	4%+a+b	.02
Helpers	70%JR	.495	.32	4%+a+b	.02
Helpers (Probationary)	50%JR				
GLAZIERS:					
Bossier & Caddo Parishes	7.50		.30		
Calcasieu Parish	8.55				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Bossier & Caddo Parishes	$10.20	.45	.50		.04
Calcasieu Parish	9.90	.35	.60		.025
LABORERS:					
Bossier & Caddo Parishes:					
GROUP 1 - Building laborers	5.95	.15	.10		.05
GROUP 2 - Mason tenders, plasterer tenders; asphalt rakers, asphalt smoothers	6.05	.15	.10		.05
GROUP 3 - Mortar mixers	6.10	.15	.10		.05
GROUP 4 - Air jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers	6.15	.15	.10		.05
Calcasieu Parish:					
GROUP 1 - Building & general laborer; tenders (carpenter, plaster, cement finisher, mason); tank & vessel cleaners	7.30	.15	.10		.05
GROUP 2 - Air tool operator (except jackhammer); interior of closed tanks & vessels power equipment	7.40	.15	.10		.05
GROUP 3 - Mortar mixers & jackhammer operators	7.45	.15	.10		.05
GROUP 4 - Blasterers	8.26	.15	.10		.05
GROUP 5 - Blaster helpers; concrete cutters behind paving machines & puddlers; form setters & lines asphalt workers	7.82	.15	.10		.05
GROUP 6 - Wiping joints, laying pipw & tile from pumpcrete	7.56	.15	.10		.05
GROUP 7 - Interior of closed tanks & vessels manually	7.35	.15	.10		.05
LATHERS:					
Bossier & Caddo Parishes	10.40				
Calcasieu Parish	10.585	.30			.01
MARBLE SETTERS:					
Bossier & Caddo Parishes	8.20	.30			
Calcasieu Parish	10.45	.48	.30		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Bossier & Caddo Parishes:					
GROUP 1 - Painters, tape & float & paperhangers; stage, window jacks & structural steel	$ 8.55	.40	.30		.05
GROUP 2 - Stage, window jacks & structural steel over 30 ft.	8.80	.40	.30		.05
GROUP 3 - Stage, window jacks & structural steel over 75 ft.	9.05	.40	.30		.05
GROUP 4 - Sandblasting, spray	9.15	.40	.30		.05
Calcasieu Parish:					
GROUP 1 - Brush, wood or wall; rollers	9.96				
GROUP 2 - Brush on steel, buffer on wood or wall	10.085				
GROUP 3 - Paperhanging, taping & floating	10.16				
GROUP 4 - Spray, wood & wall	10.305				
GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing, steam jennies, spray on steel	10.445				
PLASTERERS:					
Bossier & Caddo Parishes	9.40			1.00	
Calcasieu Parish	9.72				
PLUMBERS & PIPEFITTERS:					
Bossier & Caddo Parishes	9.54	.40	.50	.95	.09
Calcasieu Parish	10.38	.67	.72		.08
ROOFERS:					
Bossier & Caddo Parishes:					
Roofers	8.55		.20		.02
Kettlemen	5.93		.20		.02
Calcasieu Parish:					
Roofers	9.43		.10		
SHEET METAL WORKERS:					
Bossier & Caddo Parishes	9.75	3%+.55	.40		.16
Calcasieu Parish	10.67	.40	.27		.10
SOFT FLOOR LAYERS:					
Bossier & Caddo Parishes	8.95	.40	.30		.04
Calcasieu Parish	9.345	.40	.33		.05

DECISION NO. LA77-4220

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS	$10.35	.65	.95		.08
TERRAZZO WORKERS:					
Bossier & Caddo Parishes	8.20	.30			
Calcasieu Parish	10.45	.48	.30		.02
TILE SETTERS:					
Bossier & Caddo Parishes	8.20	.30			
Calcasieu Parish	7.65	.48	.30		.02
TRUCK DRIVERS:					
Bossier & Caddo Parishes:					
GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock	5.47				
GROUP 2 - Stack bodies; flat beds (all sizes)	5.55				
GROUP 3 - Single axle dumps & water trucks; transit mix up to & including 3 yds.	5.80				
GROUP 4 - Tandem axle, dump, batch & water trucks over 3 tons, pick-ups with trailer	5.95				
GROUP 5 - Mississippi wagons, floats, tractor trailers; rubber tired tractors & wobble wheels	6.10				
GROUP 6 - Euclids, lowboys, Dempsey dumpsters, Koehring dumps, five axle trucks, transit mix over 3 yds.; fuel truck	6.30				
Calcasieu Parish:					
GROUP 1 - Teamsters, pick-up drivers	4.91				
GROUP 2 - Stake bodies (all sizes)	5.34				
GROUP 3 - Trucks trailer & dumps over 8 yds.; Mixers on trucks over 3 yds.; Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to & including 8 yds)	5.55				

DECISION NO. LA77-4220

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D)					
Calcasieu Parish (Cont'd):					
GROUP 4 - Mixers on trucks up to & including 3 yds.	$ 5.35				
GROUP 5 - Winch trucks	5.45				
GROUP 6 - Dump trucks	5.37				
GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.	5.76				

FOOTNOTES:
a - 1st 6 mos - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. LA77-4220

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
Calcasieu Parish:					
GROUP 1	$ 7.13	.65	.48		.05
GROUP 2	6.82	.65	.48		.05
GROUP 3	6.62	.65	.48		.05
GROUP 4	7.40	.65	.48		.05
GROUP 5	9.695	.65	.48		.05
GROUP 6	7.80	.65	.48		.05
GROUP 7	8.45	.65	.48		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Scale Operator; Oiler-Driver on Motor Crane; Batch Plant Operator
GROUP 2 - Pumps under 3 inch suction; Mechanic Helper
GROUP 3 - Oiler
GROUP 4 - Fireman
GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt Spreaders; Backhoe (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Front End Loaders (except farm type); Grease Serviceman; Hoist-1 drum (4 stories or more on buildings); Hoist-1 drum (over 40 feet on structures other than building); Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator-Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete-6" and over discharge; Push Cat; Road Pavers; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder, Journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats-requiring licensed operator
GROUP 6 - Bush Hog; Compressor; Concrete pump-under 6" discharge; Concrete Saw; Deck Winch (1 drum); Distributors; Ditching or trenching machines (non-riding type); Dowel Bar Machine; Farm-type tractors (when used to pull discs, grass cutters, etc.); Hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40 feet or under on structures other than buildings); Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pump (3" and over); Test Pump-Internal combustion engine powered; Water Blast Pumps
GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bull Floats; Concrete Spreader; Farm Type Front End Loaders; Finishing Machines (Roadway, riding type); Roller (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat-not requiring licensed operator

SUPERSEDEAS DECISION

STATE: Maryland COUNTY: Baltimore
DECISION NO. MD77-3130 DATE: Date of Publication
Supersedes Decision No. MD76-3153 dated March 19, 1976 in 41 FR 11744
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable water; tunnels; rest areas which include building structures and railroad construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 6.69				
CEMENT MASONS	6.32				
IRONWORKERS:					
Structural	7.31				
Reinforcing	7.28				
LABORERS:					
Laborers	5.13				
Fence Erectors	5.75				
Form Setters	5.25				
PILEDRIVERMEN	6.69				
POWER EQUIPMENT OPERATORS:					
Aggregate Spreader	5.50				
Backhoes, Cranes, Derricks, Draglines	6.51				
Bituminous-Concrete Paver	5.75				
Gradall	7.36				
Guardrail-Post Hammer Operator	6.43				
Loader	7.66				
Mechanic	7.86				
Oiler	6.52				
Roller	6.05				
TRUCK DRIVERS	5.00				
WELDERS - RATE FOR CRAFT					

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (does not include the Nevada Test Site and Tonopah Test Range, and highway construction in Douglas County), Nevada

DECISION NUMBER: NV77-5077

DATE: Date of Publication

Supersedes Decision No. NV77-5146 dated April 29, 1977, in 42 FR 22082.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Clark, Esmeralda, Lincoln, Nye Counties	$ 12.11	.85	$ 1.10		
Elko, Eureka, White Pine Cos.	10.56	.52	1.17		
Remaining Counties	13.06	.90	1.02		
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clark, Esmeralda, Lincoln, Nye County (south of Hwy. #6)	11.37	.70	.60		.06
Remaining Counties and Nye County (north of Hwy. #6)	11.45	.50	.60		.01
BRICK TENDERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	10.02	.66	1.35		
Remaining Counties:					
Zone A: 0-35 miles from Courthouse in Reno, Nevada	9.60	.50	.90		.05
Zone B 35-75 miles from Courthouse in Reno, Nevada	10.50	.50	.90		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Clark, Esmeralda County (South of Hwy. #6), Lincoln, Nye County (south of Hwy. #6, including City of Tonopah):					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; area within a 5 mile radius of Tonopah, Nevada; present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	$ 11.36	.65	.90	$1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	11.51	.65	.90	1.00	.10
Piledrivermen	11.56	.65	.90	1.00	.10
Millwrights	12.06	.65	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities described above:					
Carpenters	11.86	.65	.90	1.00	.10
Floor layers; Patent Scaffold Erectors; Power Saw Operators	12.01	.65	.90	1.00	.10
Piledrivermen	12.06	.65	.90	1.00	.10
Millwrights	12.56	.65	.90	1.00	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1:					
Carpenters	$ 12.11	.65	.90	$1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	12.26	.65	.90	1.00	.10
Piledrivermen	12.41	.65	.90	1.00	.10
Millwrights	12.81	.65	.90	1.00	.10
Zone 4: Area over 40 miles from the communities described in Zone 1:					
Carpenters	13.36	.65	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	13.51	.65	.90	1.00	.10
Piledrivermen	13.56	.65	.90	1.00	.10
Millwrights	14.06	.65	.90	1.00	.10
Nye County (north of Hwy. #6, excluding City of Tonopah) and all Remaining Counties:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Carpenters	9.35	.70	1.16	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 1: (Cont'd)					
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	$ 9.50	.70	$ 1.16	$1.00	.05
Piledrivermen	9.55	.70	1.16	1.00	.05
Millwrights	9.95	.70	1.16	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities in Zone 1:					
Carpenters	9.95	.70	1.16	1.00	.05
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	10.10	.70	1.16	1.00	.05
Piledrivermen	10.15	.70	1.16	1.00	.05
Millwrights	10.55	.70	1.16	1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the communities in Zone 1:					
Carpenters	10.15	.70	1.16	1.00	.05
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	10.30	.70	1.16	1.00	.05
Piledrivermen	10.35	.70	1.16	1.00	.05
Millwrights	10.75	.70	1.16	1.00	.05
Zone 4: Area over 40 road miles from the communities in Zone 1:					
Carpenters	10.85	.70	1.16	1.00	.05
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	11.00	.70	1.16	1.00	.05
Piledrivermen	11.05	.70	1.16	1.00	.05
Millwrights	11.45	.70	1.16	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Clark, Lincoln, Nye Counties:					
Cement Masons	$ 11.40	$ 1.00	.70		.08
Cement Floor Finishing Machine and Color Work	11.65	1.00	.70		.08
Lake Tahoe Area:					
Cement Masons	10.80	.70	.90	1.10	.05
Mastic, Magnesite and all Composition Masons	11.05	.70	.90	1.10	.05
Troweling Machine; Grinder Operator and Kelly Float	11.30	.70	.90	1.10	.05
Remaining Counties:					
Zone 1: Area within a 15 mile radius of the Main Post Office, Reno, Nevada, or within a 15 mile radius of the employee's permanent residence in the State of Nevada; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	9.35	.70	.90	1.10	.05
Mastic, Magnesite and all Composition Masons	9.60	.70	.90	1.10	.05
Troweling Machine; Grinder Operator and Kelly Float	9.85	.70	.90	1.10	.05
Zone 2 - Highway Construction:					
Area outside of zone 1:					
Cement Masons	10.60	.70	.90	1.10	.05
Mastic, Magnesite and all Composition Masons	10.85	.70	.90	1.10	.05
Troweling Machine; Grinder Operator and Kelly Float	11.10	.70	.90	1.10	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Zone 2 - Nonhighway Construction:					
2-A: Area over 15 but not over 50 miles to the center of the jobsite:					
Cement Masons	$ 10.10	.70	.90	$1.10	.05
Mastic, Magnesite and all Composition Masons	10.35	.70	.90	1.10	.05
Troweling Machine; Grinder Operator and Kelly Float	10.60	.70	.90	1.10	.05
2-B: Area over 50 miles to the center of the jobsite:					
Cement Masons	11.35	.70	.90	1.10	.05
Mastic, Magnesite and all Composition Masons	11.60	.70	.90	1.10	.05
Troweling Machine; Grinder Operator and Kelly Float	11.85	.70	.90	1.10	.05
DRYWALL INSTALLERS:					
Statewide except the Counties of Clark, Esmeralda County (South of Hwy. #6), Lincoln, Nye County (south of Hwy. #6):					
Zone 1: Area within 5 road miles of the following communities: Carson City, Elko, Ely, Fallon, Hawthorne, Lovelock, Minden, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:	9.60	.70	1.16	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRYWALL INSTALLERS: (Cont'd)					
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities in Zone 1	$ 10.20	.70	$ 1.16	$1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the communities in Zone 1	10.40	.70	1.16	1.00	.05
Zone 4: Area over 40 road miles from the communities in Zone 1	11.10	.70	1.16	1.00	.05
ELECTRICIANS:					
Clark, Lincoln, Nye County (south of Mt. Diablo Base Line):					
Electricians; Technicians	13.96	.73	3%+1.30		.08
Cable Splicers	14.29	.73	3%+1.30		.08
Nye County (north of Mt. Diablo Base Line) and Remaining Counties excluding Lake Tahoe Area:					
Electricians; Technicians	12.98	.84	3%+.92		.08
Cable Splicers	14.28	.84	3%+.92		.08
Lake Tahoe Area:					
Electricians; Technicians	13.98	.84	3%+.92		.08
Cable Splicers	15.28	.84	3%+.92		.08
ELEVATOR CONSTRUCTORS:					
Nevada west of 118° longitude	13.49	.545	.35	3%+a	.02
Nevada east of 118° longitude and south of 39° North latitude	12.95	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Clark, Esmeralda, Lincoln, Nye Counties	13.50	.50	.40		.05
Remaining Counties	10.495	.43	1.20	.84+.43	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
Elko, Eureka, White Pine Counties:					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	$ 10.65	.65	$ 1.15		.05
Remaining Counties:					
Fence Erector	10.66	1.24	2.22	1.46	.06
Ornamental; Reinforcing; Structural	11.55	1.24	2.22	1.46	.16
LATHERS:					
Clark, Esmeralda, Lincoln, Nye Counties	10.60	.70	1.00	1.00	.16
LINE CONSTRUCTION WORKERS:					
Clark, Lincoln, Nye County (South half):					
Line Equipment Operator	13.73	.73	1%		.35
Cable Splicers	5%overJr	.73	1%		.35
Lake Tahoe Area:					
Lineman	13.98	.84	3%+.92		.08
Line Equipment Operator	12.68	.84	3%+.92		.08
Groundman	10.74	.84	3%+.92		.08
Cable Splicer	15.28	.84	3%+.92		.08
Remaining Counties (excluding Lake Tahoe Area):					
Lineman	12.98	.84	3%+.92		.08
Line Equipment Operator	11.68	.84	3%+.92		.08
Groundman	9.74	.84	3%+.92		.08
Cable Splicers	14.28	.84	3%+.92		.08
MARBLE MASONS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.37	.70	.60		.06
Remaining Counties	11.45	.50	.60		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Clark, Esmeralda, Lincoln, Nye Counties:					
Brush; Roller	$ 12.64	.75	.35		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	12.99	.75	.35		.06
Buffing Steel; Sandblasters, Structural Steel	13.34	.75	.35		.06
Steeplejack	14.14	.75	.35		.06
Remaining Counties including Lake Tahoe Area:					
Brush and Roller	11.45	.70	.75		.005
Spray; Brush-swing stage, up to 40 ft.; Brush-steel; Sandblaster; Taper; Paperhangers	11.70	.70	.75		.005
Spray-swing stage up to 40 ft.	11.95	.70	.75		.005
PLASTERERS:					
Clark, Lincoln, Nye Counties	11.68	1.00	.70		.08
Remaining Counties	11.22	.65	1.00		.03
PLASTERER TENDERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.12	.66	1.35		
Remaining Counties:					
Plasterer Tenders serving Plasterers	10.75	.50	.90		
Plasterer Tenders working on any type of gun	11.35	.50	.90		
PLUMBERS; Steamfitters:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.05	1.05	1.90	1.85	.08
Remaining Counties and Nye County (north half)	10.84	.73	.80	1.95	.10
PLUMBERS (Utility):					
Statewide except Clark, Esmeralda, Lincoln, Nye County (south half)	10.84	.73	.80	1.95	.10
ROOFERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	13.25	.65			
Remaining Counties and Nye County (north half)	11.60	.70	.50		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln, Nye County (South half), White Pine Counties	$ 11.43	.93	$ 1.60	$1.00	.07
Remaining Counties and Nye County (north half)	10.59	1.04	2.43		.05
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln, Nye Counties	12.67	.65			.15
Remaining Counties including Lake Tahoe Area	11.48	.70	.20	.28	
SPRINKLER FITTERS	15.05	.65	.95		.08
TERRAZZO WORKERS; TILE SETTERS:					
Clark, Esmeralda, Lincoln, Nye County (south half)	11.37	.70	.60		.06
Remaining Counties and Nye County (north half)	11.45	.50	.60		.01

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: Clark, Esmeralda, Lincoln, Nye County (south half)					
Group 1	$ 8.00	.66	$ 1.53	$1.00	
Group 2	8.05	.66	1.53	1.00	
Group 3	8.08	.66	1.53	1.00	
Group 4	8.10	.66	1.53	1.00	
Group 5	8.12	.66	1.53	1.00	
Group 6	8.13	.66	1.53	1.00	
Group 7	8.15	.66	1.53	1.00	
Group 8	8.18	.66	1.53	1.00	
Group 9	8.19	.66	1.53	1.00	
Group 10	8.21	.66	1.53	1.00	
Group 11	8.26	.66	1.53	1.00	
Group 12	8.29	.66	1.53	1.00	
Group 13	8.31	.66	1.53	1.00	
Group 14	8.34	.66	1.53	1.00	
Group 15	8.36	.66	1.53	1.00	
Group 16	8.425	.66	1.53	1.00	
Group 17	8.45	.66	1.53	1.00	
Group 18	8.52	.66	1.53	1.00	

LABORERS
Clark, Esmeralda, Lincoln, Nye County (south half)

Group 1: Debris Handler; Dry packing of concrete and filling of form-bolt holes; Dumpman; Gas and oil pipeline laborers; Demolition Laborers; General or construction Laborers; Spotter; Window Cleaner; Flagman

Group 2: Cutting Torch Operator (demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape gardener and nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic tank digger and installer (lead man); Tank scaler and cleaner

Group 8: Cesspool digger and installer

Group 9: Concrete curer-impervious membrane and oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap stonepaver; Sandblaster (pot tender)

LABORERS (Cont'd)
Clark, Esmeralda, Lincoln, Nye County (south half)

Group 10: Asphalt Ironer, raker, spreader; Buggymobile; Cement dumper (on 1 yard or larger mixers and handling bulk concrete); Cement grinding machine operator; Concrete core cutter; Concrete saw man, excluding tractor type; Gas and oil pipeline wrapper, pot tender and form man; Tree climber, faller, chain saw operator; Pittsburgh Chipper and similar type; Vibrators and all penumatic, gas, electric and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or pavement breaker

Group 13: Laying of all non-metallic pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and oil pipeline wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (core, diamond or wagon) Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS*:					
Remaining Counties:					
Building Construction:					
Zone 1: Area within 5 road miles of the following communities - Carson City, Elko, Fallon, Hawthorne, Lovelock, Minden, Tonopah, Winnemucca; also area within 10 road miles of Reno, Nevada; also the area within 2 road miles of Yerington, Nevada; also Washoe Valley between Reno, Nevada and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base; also the Tahoe Basin from the Summit to the Lake:					
Group 1	$ 8.20	.70	.90		.10
Group 2	8.30	.70	.90		.10
Group 3	8.45	.70	.90		.10
Group 4	8.70	.70	.90		.10
Group 5	9.00	.70	.90		.10
Group 6-A	9.00	.70	.90		.10
Group 6-B	8.70	.70	.90		.10
Group 6-C	8.35	.70	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.80	.70	.90		.10
Group 2	8.90	.70	.90		.10
Group 3	9.05	.70	.90		.10
Group 4	9.30	.70	.90		.10
Group 5	9.60	.70	.90		.10
Group 6-A	9.60	.70	.90		.10
Group 6-B	9.30	.70	.90		.10
Group 6-C	8.95	.70	.90		.10

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties (Cont'd)					
Building Construction (Cont'd)					
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:					
Group 1	$ 9.00	.70	.90		.10
Group 2	9.10	.70	.90		.10
Group 3	9.25	.70	.90		.10
Group 4	9.50	.70	.90		.10
Group 5	9.80	.70	.90		.10
Group 6-A	9.80	.70	.90		.10
Group 6-B	9.50	.70	.90		.10
Group 6-C	9.15	.70	.90		.10
Zone 4: Area over 40 road miles from the communties named in Zone 1:					
Group 1	9.70	.70	.90		.10
Group 2	9.80	.70	.90		.10
Group 3	9.95	.70	.90		.10
Group 4	10.20	.70	.90		.10
Group 5	10.50	.70	.90		.10
Group 6-A	10.50	.70	.90		.10
Group 6-B	10.20	.70	.90		.10
Group 6-C	9.85	.70	.90		.10
Heavy and Highway Construction:					
Area 1:					
Group 1	8.20	.70	.90		.10
Group 2	8.30	.70	.90		.10
Group 3	8.45	.70	.90		.10
Group 4	8.70	.70	.90		.10
Group 5	9.00	.70	.90		.10
Group 6-A	9.00	.70	.90		.10
Group 6-B	8.70	.70	.90		.10
Group 6-C	8.35	.70	.90		.10
Area 2:					
Group 1	9.35	.70	.90		.10
Group 2	9.45	.70	.90		.10
Group 3	9.60	.70	.90		.10
Group 4	9.85	.70	.90		.10
Group 5	10.15	.70	.90		.10
Group 6-A	10.15	.70	.90		.10
Group 6-B	9.85	.70	.90		.10
Group 6-C	9.50	.70	.90		.10

*LABORERS - Area Definition - See "Area Definition" following TRUCK DRIVERS

LABORERS
Remaining Counties

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or spotter (other than asphalt); General laborer; Gardeners and landscape laborers; Limber, brushloader and piler; Flagman

Group 2: Choker setter or rigger (clearing work only); Pittsburgh chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly tender; Guinea chaser (stakeman); Panel forms (wood or metal) handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad trackmen (builders); Sloper; Semi-skilled wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under 1/2 yd.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Drillers' helper, chuck tender; Form raiser, slip forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic worker (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole digger (air, gas or electric), Post driver; Riprap-stonepaver and rock slinger, including placing of sack concrete wet or dry; Rototiller; Rigging and signaling in connection with laborers' work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

Group 4: Burning and welding in connection with laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track drillers, Diamond core drillers, Wagon drillers, Mechanical drillers on multiple units; High scalers; Concrete pump; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer, caulker and bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt rakers

Group 5: Blasters and powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection) Clark, Esmeralda, Lincoln, Nye Counties:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.75	.95	$ 2.00	.50	.04
Group 2	10.03	.95	2.00	.50	.04
Group 3	10.32	.95	2.00	.50	.04
Group 4	10.46	.95	2.00	.50	.04
Group 5	10.68	.95	2.00	.50	.04
Group 6	10.79	.95	2.00	.50	.04
Group 7	10.91	.95	2.00	.50	.04
Group 8	11.08	.95	2.00	.50	.04
Group 9	11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator operator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, skip type; Conveyor Operator; Fireman; Hydrostratic Pump Operator; Oiler Crusher (asphalt or concrete plant); Plant Operator, generator, pump or compressor; Rotary Drill Helper (oilfield); Skiploader - wheel type up to 3/4 yd. with attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck; Elevator operator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter radioman (ground); Power concrete curing machine; Power concrete saw; Power driven jumbo form setter; Ross carrier; Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Bridge type unloader and turntable operator; Chip spreading machine; Concrete pump (small portable); Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist; Highline cableway signalman; Hydra-hammer-Aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching machine (up to 6 ft.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds.); Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yards and up to and including 1½ yards); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (cast in place); Combination Mixer and Compressor (gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yards and up to and including 50 cubic yards struck); Rubber-tired Scraper (self-loading - Paddle wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and Wheel type - over 1½ yards, up to and including 6½ yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Flywheel HP and over or similar) (Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cubic yards, M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Clark, Esmeralda, Lincoln, Nye Counties

Group 7: Crane (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yards struck); Rubber-tired Earth Moving Equipment (Multiple engine, Euclid, Caterpillar and similar) (over 25 yards and up to 50 cubic yards struck); Tractor Loader Operator (Crawler and wheel type over 6½ yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cubic yards, MRC); Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (Over 100 tons); Hoist Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cubic yards); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cubic yards struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-Pull (50¢ per hour additional)

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cubic yards); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)

POWER EQUIPMENT OPERATORS* (Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appt. Tr.
	AREA 1	AREA 2				
Remaining Counties:						
Group 1	$ 8.75	$ 9.90	$1.12	$ 2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1,12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20

*POWER EQUIPMENT OPERATORS - Area Definition - See "Area Definition" following TRUCK DRIVERS.

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 1: Assistant to Engineer, including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, partsman (heavy duty repair shops parts room when needed), Switchman, tar pot fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete plant); Motorman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane); Rodman or Chainman

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper multiple-purpose; Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; S.L.H. Lima Road Factor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, curb and/or curb gutter machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small rubber-tired Tractors; Self-propelled Tape Machine

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to water-liners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt); Instrumentman

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy-duty Repairman and/or Welder; Ken-Seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn Scraper; Tractor mounted compressor drill combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunite); Loll Hi-Lift (20 ft. or over); Mucking Machine; Tractor with boom (D6 or Larger); Track Laying type Earth Moving Machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
Remaining Counties

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth moving machines (Euclid, dozers, etc.); Pre-stress Wire-wrapping Machine; Rubber-tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (reclaim station); Single engine Scraper (over 35 cu. yds.); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with Sloping attachments (JEFFCO or similar); Chief of Party

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, Self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single engine rubber-tired earth-moving machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

Group 11-A: Sand Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine Earth Moving Equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu. yds. M.R.C.); Remote controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS: STEEL ERECTION Remaining Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Group 1	$ 9.22	$ 1.12	$ 2.23	.92	.20
Group 2	9.61	1.12	2.23	.92	.20
Group 3	10.61	1.12	2.23	.92	.20
Group 4	10.75	1.12	2.23	.92	.20
Group 4-A	11.04	1.12	2.23	.92	.20
Group 5	11.52	1.12	2.23	.92	.20
Group 6	11.93	1.12	2.23	.92	.20
Group 6-A	12.50	1.12	2.23	.92	.20
Group 7	13.48	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS (Cont'd)
STEEL ERECTION
Remaining Counties

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel-driven (100 K.W. or over); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (Sturctural Steel or Tank Erection only)

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman-welder

Group 5: Boom Truck or Dual purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons m.r.c. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m.r.c.); Single Drum Hoist; Tugger Hoist

Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount) (over 10 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum hoist

Group 6-A: Cranes (over 125 tons)

Group 7: Operator of Helicopter

POWER EQUIPMENT OPERATORS: PILEDRIVING Remaining Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.78	$1.12	$ 2.23	.92	.20
Group 1-A	9.11	1.12	2.23	.92	.20
Group 1-B	9.26	1.12	2.23	.92	.20
Group 2-A	9.89	1.12	2.23	.92	.20
Group 2-B	10.10	1.12	2.23	.92	.20
Group 3	10.40	1.12	2.23	.92	.20
Group 3-A	10.79	1.12	2.23	.92	.20
Group 4	11.34	1.12	2.23	.92	.20
Group 5	11.48	1.12	2.23	.92	.20
Group 6	12.50	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS (Cont'd)
PILEDIRVING
Remaining Counties

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Fork Lift Operator; A-Frames; Self-propelled boom-type lifting device (center mount) (10 ton capacity or less m.r.c.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Operator or pile-driving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type lifting device (center mount) (over 10 tons); Truck Crane Operator (up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operating of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler, or Universal type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work)

Group 6: Cranes (over 125 tons)

TRUCK DRIVERS Clark, Esmeralda, Lincoln, Nye Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.97	.51	.70		
Group 2	10.08	.51	.70		
Group 3	10.13	.51	.70		
Group 4	10.29	.51	.70		
Group 5	10.47	.51	.70		
Group 6	10.97	.51	.70		

TRUCK DRIVERS
Clark, Esmeralda, Lincoln, Nye Counties

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gals.); Pickups; Service; Repairman Helper; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster Equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yds. but less than 16 yds); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 to 4000 gals.); Truck Driver working on gas and oil pipeline (including Winch Truck and all sizes of trucks); Truck Greaser and Tireman; Drivers of busses (on jobsite used for transportation of more than 25 passepgers); Bootman

Group 3: Dumpcrete (less than 6½ yds.); Transit-mix (less than 3 yds.); Warehouse Clerk

Group 4: Dump Trucks (16 yds. up to and including 22 yds.); Trucks (legal Payload capacity 20 tons but less than 30 tons); Water and Fuel Trucks (4000 gals. but less than 6000 gals.); Dumpcrete (6½ yds. and over); Transit-mix (3 yds. but less than 6 yds.); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump Trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gals. and over); Transit-mix (6 yds. and over); Truck Repairman

Group 6: D.W. and similar-type equipment, D.W. and 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem

TRUCK DRIVERS* Remaining Counties	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Area 1	Area 2				
DUMP (single or multiple units including semi, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yards	$ 9.20	$10.35	.51	.65		.05
4 yds. and under 8 yds.	9.40	10.55	.51	.65		.05
8 yds. and under 18 yds.	9.60	10.75	.51	.65		.05
18 yds. and under 35 yd.	9.75	10.90	.51	.65		.05
35 yds. and under 60 yds.	10.00	11.15	.51	.65		.05
60 yds. and under 75 yds.	10.15	11.30	.51	.65		.05
75 yds. and under 100 yds.	10.30	11.45	.51	.65		.05
100 yards and over	10.45	11.60	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	9.60	10.75	.51	.65		.05
8 yards and including 12 yards	9.70	10.85	.51	.65		.05
Over 12 yards	9.90	11.05	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gallons	9.40	10.55	.51	.65		.05
2,500 gallons and over	9.60	10.75	.51	.65		.05
DW 20 and 21 and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank or other misc. trailers (except as defined under dump trucks)	9.85	11.00	.51	.65		.05

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	Area 1	Area 2				
FLATRACK; Industrial Lift with Mechanical Tailgate:						
Single unit 2 axle	$ 9.40	$10.55	.51	.65		.05
Single unit 3 axle	9.50	10.65	.51	.65		.05
BUS AND MANHAUL DRIVERS, Single Unit; Pickup:						
Up to 18,000 pounds	9.25	10.40	.51	.65		.05
18,000 pounds and over	9.35	10.50	.51	.65		.05
WINCH TRUCK, A-FRAME:						
Under 18,000 pounds	9.35	10.50	.51	.65		.05
18,000 pounds and over	9.45	10.60	.51	.65		.05
HEAVY DUTY TRANSPORT (High-bed); Heavy Duty Transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	9.75	10.90	.51	.65		.05
BOOTMAN, Combination; Bootman and road oiler	9.65	10.80	.51	.65		.05
ROAD OIL TRUCK OR BOOTMEN; Fuel driver; Fuel man and Fuel island man	9.35	10.50	.51	.65		.05
HELICOPTER PILOT (when transporting men or material)	10.15	11.30	.51	.65		.05
LIFT JITNEYS And FORK LIFTS	9.45	10.60	.51	.65		.05
WAREHOUSE CLERK	9.30	10.45	.51	.65		.05
TIRE REPAIRMAN	9.60	10.75	.51	.65		.05
TRUCK REPAIRMAN	9.90	11.05	.51	.65		.05

*TRUCK DRIVERS - Area Definition - See "Area Definition" following this page.

AREA DEFINITIONS
Remaining Counties
LABORERS
Heavy and Highway Construction
POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
TRUCK DRIVERS

AREA 1: All of northern Nevada within the following lines:
Commencing at the N.E. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence easterly to the N.E. corner of township 22N, range 22E;
Thence southerly to the N.E. corner of township 20N, range 22E;
Thence easterly to the N.W. corner of township 20N, range 26E;
Thence northerly to the N.W. corner of township 22N, range 26E;
Thence easterly to the N.W. corner of township 22N, arange 29E;
Thence northerly to the N.W. corner of township 30N, range 29E;
Thence easterly to the N.E. corner of township 30N, range 33E;
Thence southerly to the S.E. corner of township 24N, range 33E;
Thence westerly to the S.E. corner of township 24N, range 31E;
Thence southerly to the S.E. corner of township 16N, range 31E;
Thense westerly to the S.E. corner of township 16N, range 30E;
Thence southerly to the S.E. corner of township 15N, range 30E;
Thence westerly to the S.E. corner of township 15N, range 27E;
Thence southerly to the S.E. corner of township 14N, range 27E;
Thence westerly to the S.E. corner of township 14N, range 23E;
Thence southerly to the S.E. corner of township 13N, range 23E;
Thence westerly to the S.E. corner of township 13N, range 22E;
Thence southerly to the N.E. corner of township 10N, range 22E;
Thence easterly to the N.E. corner of township 10N, range 23E;
Thence southerly alon g the easterly line of range 23E to the intersection of the California-Nevada border;
Thence north-westerly, then northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of northern Nevada included within the following lines:
Commencing at the S.W. corner of township 37N, range 52E;
Thence northerly to the N.E. corner of township 37N, range 52E;
Thence easterly to the N.W. corner of township 37N, range 58E;
Thence southerly to the S.W. corner of township 37N, range 58E;
Thence easterly to the S.E. corner of township 37N, range 58E;
Thence southerly to the N.E. corner of township 31N, range 58E;
Thence westerly to the N.W. corner of township 31N, range 58E;
Thence southerly to the S.W. corner of township 31N, range 58E;
Thence westerly to the S.E. corner of township 31N, range 52E;
Tehnce northerly to the N.E. corner of township 31N, range 52E;
Thence westerly to the S.E. corner of township 31N, range 51E;
Thence northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

SUPERSEDEAS DECISION

STATE: NEVADA

COUNTY: Clark County (does not include the Nevada Test Site)

DECISION NUMBER: NW77-5085

DATE: Date of Publication

Supersedes Decision No. NW77-5061 dated June 17, 1977, in 42 FR 31074.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.11	.85	$ 1.10		
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons	11.37	.70	.60		.06
BRICK TENDERS	10.02	.66	1.35		
CARPENTERS:					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; in Clark County, the present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	11.36	.65	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	11.51	.65	.90	1.00	.10
Piledrivermen	11.56	.65	.90	1.00	.10
Millwrights	12.06	.65	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above:					
Carpenters	11.86	.65	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	12.01	.65	.90	1.00	.10
Piledrivermen	12.06	.65	.90	1.00	.10
Millwrights	12.56	.65	.90	1.00	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1:					
Carpenters	$12.11	.65	.90	$1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	12.26	.65	.90	1.00	.10
Piledrivermen	12.31	.65	.90	1.00	.10
Millwrights	12.81	.65	.90	1.00	.10
Zone 4: Area over 40 miles from the communities described in Zone 1:					
Carpenters	13.36	.65	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	13.51	.65	.90	1.00	.10
Piledrivermen	13.56	.65	.90	1.00	.10
Millwrights	14.06	.65	.90	1.00	.10
CEMENT MASONS:					
Cement Masons	11.40	1.00	.70		.08
Cement Floor Finishing Machine; Color Work	11.65	1.00	.70		.08
ELECTRICIANS:					
Electricians; Technicians	13.96	.73	1%+1.30		.08
Cable Splicers	14.29	.73	1%+1.30		.08
ELEVATOR CONSTRUCTORS	12.95	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	13.50	.50	.40		.05
IRONWORKERS:					
Fence Erectors	10.41	1.14	1.86	1.20	.04
Ornamental; Reinforcing; Structural	11.30	1.14	1.86	1.20	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$10.60	.70	$ 1.00	$1.00	.16
MARBLE MASONS	11.37	.70	.60		.06
PAINTERS:					
Brush; Roller	12.64	.75	.35		.06
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Tapers	12.99	.75	.35		.06
PLASTERERS' TENDERS	11.12	.66	1.35		
PLASTERERS	11.68	1.00	.70		.08
PLUMBERS; Steamfitters	11.05	1.05	1.90	1.85	.08
ROOFERS	13.25	.65			
SHEET METAL WORKERS	11.43	.93	1.60	1.00	.07
SOFT FLOOR LAYERS	12.67	.65			.15
SPRINKLER FITTERS	15.05	.65	.95		.08
TERRAZZO WORKERS, TILE SETTERS	11.37	.70	.60		.06

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$ 8.00	.66	$ 1.53	$ 1.00	
Group 2	8.05	.66	1.53	1.00	
Group 3	8.08	.66	1.53	1.00	
Group 4	8.10	.66	1.53	1.00	
Group 5	8.12	.66	1.53	1.00	
Group 6	8.13	.66	1.53	1.00	
Group 7	8.15	.66	1.53	1.00	
Group 8	8.18	.66	1.53	1.00	
Group 9	8.19	.66	1.53	1.00	
Group 10	8.21	.66	1.53	1.00	
Group 11	8.26	.66	1.53	1.00	
Group 12	8.29	.66	1.53	1.00	
Group 13	8.31	.66	1.53	1.00	
Group 14	8.34	.66	1.53	1.00	
Group 15	8.36	.66	1.53	1.00	
Group 16	8.425	.66	1.53	1.00	
Group 17	8.45	.66	1.53	1.00	
Group 18	8.52	.66	1.53	1.00	

LABORERS

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers General or construction laborers; Spotter; Window cleaner; Flagman

Group 2: Cutting Torch Operator (Demolition); Tarman and Mortarman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborers including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (leadman); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader; Buggymobile; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding machine operator; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper, Pot Tender and Form Man; Tree Climber, faller, Chain Saw Operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon); Joy Driller Model TW-M-2A, Gardner-Denver Model DB-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	$ 9.75	.95	$ 2.00	.50	.04
Group 2	10.03	.95	2.00	.50	.04
Group 3	10.32	.95	2.00	.50	.04
Group 4	10.46	.95	2.00	.50	.04
Group 5	10.68	.95	2.00	.50	.04
Group 6	10.79	.95	2.00	.50	.04
Group 7	10.91	.95	2.00	.50	.04
Group 8	11.08	.95	2.00	.50	.04
Group 9	11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor Operator (less than 600 C.F.M.); Engineer Oiler; Generator Operator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor Operator; Fireman; Generator, Pump or Compressor (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form Setter; Ross Carrier (jobsite); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Backhoe Operator (up to and including 3/4 yd.); Batch Plant Operator; Bit Sharpener; Concrete Joint Machine Operator (canal and similar type); Concrete Planer Operator; Deck Engine Operator; Derrickman (oil field type); Drilling Machine Operator (including water wells); Forklift Operator (under 5 ton capacity); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Berm, Curb or Gutter (concrete or asphalt); Mechanical Finisher (concrete - Clary-Johnson-Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller Operator (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yd. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven Hydraulic Lifting Device for Concrete Forms); Tugger Hoist (1 drum); Tunnel Locomotive Operator (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader (Crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., Flywheel and similar types up to and including D-5 and similar types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge Crane; Pipe Laying Machine (cast-in-place); Combination Mixer and Compressor (gunite work); Concrete Pump (truck mounted); Concrete Mixer - paving; Crane (up to and including 25 ton capacity); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago boom and similar type); Kolman Belt Loader and similar; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (¾ yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper (self-loading - Paddle Wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type - over 1½ yds., up to and including 6½ yds.); Surface Heaters and Planer; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers' rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5 - 100 flywheel HP and over or similar)(Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor (boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 7: Crane (over 25 ton up to and including 100 ton M.R.C.); Derrick Barge; Dual Drum Mixer; Hoist, stiff legs, Guy Derrick or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and Wheel type over 6¼ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yds. M.R. C.); Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi-engine); Pipe Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired self-loading Scraper (Paddle wheel - Auger type self-loading - 2 or more units); Rubber-tired Scraper (pushing one another without Push Cat, Push-Pull) (50¢ per hour additional); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment ($1.00 per hour additional); Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.97	.51	.70		
Group 2	10.08	.51	.70		
Group 3	10.13	.51	.70		
Group 4	10.29	.51	.70		
Group 5	10.47	.51	.70		
Group 6	10.97	.51	.70		

TRUCK DRIVERS

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gallons); Pickups; Service; Teamster Equipment (highest rate for dual craft operation); Repairman Helper; Drivers of busses (on jobsite used for transportation of up to 25 passengers)

Group 2: Dump Trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Truck Driver working on gas and oil pipeline (including Winch Truck and all sizes of trucks); Bootman; Water and Fuel Trucks (2500 to 4000 gallons); Truck Greaser; Drivers of busses (on jobsite used for transportation of more than 25 passengers)

Group 3: Transit-mix (less than 3 yds.); Dumpcrete (less than 6½ yds.); Warehouse Clerk; Fireman

Group 4: Dump Trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Euclid-type Spreader Trucks; Dumpster; Road Oil Spreader Truck, time spent spreading oil; Transit-mix (3 yds. but less than 6 yds.); Dumpcrete (6½ yds. and over); Fork Lift; Ross Carrier, highway; Water and Fuel Trucks (4000 gallons but less than 6000 gallons)

Group 5: Transit-mix (6 yds. and over); Truck Repairman; Dump Trucks (over 22 yds.); Trucks (legal payload capacity 30 tons and over); Water and Fuel Trucks (6000 gallons and over)

Group 6: D.W. and similar-type equipment, D.W. 10 and D.W. 20, Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment, also PB and similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment, including power units pulling off-highway belly dumps in tandem

SUPERSEDEAS DECISION

STATE: Nevada
COUNTY: Washoe
DECISION NUMBER: NV77-5089
DATE : Date of Publication
Supersedes Decision No. NV77-5031 dated March 18, 1977, in 42 FR 15278.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.06	.90	$ 1.02		.06
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons	11.45	.50	.60		.01
BRICK TENDERS:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	9.60	.50	.90		.05
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	10.50	.50	.90		.05
CARPENTERS:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Residential Carpenter	7.44	.70	1.16	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities named in Zone 1:					
Residential Carpenter	8.04	.70	1.16	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:					
Residential Carpenter	$ 8.24	.70	$ 1.16	$ 1.00	.05
Zone 4: Area over 40 road miles from the communities named in Zone 1: *					
Residential Carpenter	8.94	.70	1.16	1.00	.05
CEMENT MASONS:					
Lake Tahoe Area:					
Cement Masons	10.80	.70	.90	1.10	.05
Mastic, Magnesite and all Composition Masons	11.05	.70	.90	1.10	.05
Troweling Machine; Grinder Operator and Kelly Float	11.30	.70	.90	1.10	.05
Remainder of Washoe County:					
Zone 1: Area within a 15 mile radius of the Main Post Office, Reno, Nevada, or within a 15 mile radius of the employee's permanent residence in the State of Nevada, or within a 15 mile radius of the center of the jobsite; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	9.35	.70	.90	1.10	.05
Mastic, Magnesite and all Composition Masons	9.60	.70	.90	1.10	.05
Troweling Machine; Grinder Operator and Kelly Float	9.85	.70	.90	1.10	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS: (Cont'd)					
Zone 2: Area outside of Zone 1:					
2-A: Area over 15 but not over 50 miles to center of jobsite:					
Cement Masons	$ 10.10	.70	.90	$ 1.10	.05
Mastic, Magnesite and all Composition Masons	10.35	.70	.90	1.10	.05
Troweling Machine; Grinder Operator and Kelly Float	10.60	.70	.90	1.10	.05
2-B: Area over 50 miles to center of jobsite:					
Cement Masons	11.35	.70	.90	1.10	.05
Mastic, Magnesite and all Composition Masons	11.60	.70	.90	1.10	.05
Troweling Machine; Grinder Operator and Kelly Float	11.85	.70	.90	1.10	.05
DRYWALL INSTALLERS:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base	9.60	.70	1.16	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities named in Zone 1	10.20	.70	1.16	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRYWALL INSTALLERS: (Cont'd)					
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1	$ 10.40	.70	$ 1.16	$ 1.00	.05
Zone 4: Area over 40 road miles from the communities named in Zone 1	11.10	.70	1.16	1.00	.05
ELECTRICIANS:					
Washoe County, does not include Lake Tahoe Area:					
Electricians; Technicians	12.98	.84	3%+.92		.08
Cable Splicers	14.28	.84	3%+.92		.08
Lake Tahoe Area:					
Electricians; Technicians	13.98	.84	3%+.92		.08
Cable Splicers	15.28	.84	3%+.92		.08
ELEVATOR CONSTRUCTORS	13.49	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.495	.43	1.20	.84+.43	
IRONWORKERS:					
Fence Erectors	10.66	1.24	2.22	1.46	.06
Ornamental; Reinforcing; Structural	11.55	1.24	2.22	1.46	.06
MARBLE MASONS	11.45	.50	.60		.01
PAINTERS:					
Brush and Roller	11.45	.70	.75		.005
Spray; Brush - swing stage up to 40 ft.; Brush - steel; Sandblaster; Taper; Paper-hangers	11.70	.70	.75		.005
Spray - swing stage, up to 40 ft.	11.95	.70	.75		.005
PLASTERERS	10.52	.65	1.00		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERER TENDERS:					
Plasterer Tender serving Plasterers	$ 10.75	.50	.90		
Plasterer Tender working on any type of gun	11.35	.50	.90		
PLUMBERS; Steamfitters	10.84	.73	.80	1.95	.10
ROOFERS	11.60	.70	.50		.02
SHEET METAL WORKERS	10.59	1.04	2.43		.05
SOFT FLOOR LAYERS	11.48	.70	.20	.28	
SPRINKLER FITTERS	15.05	.65	.95		.08
TERRAZZO WORKERS; TILE SETTERS	11.45	.50	.60		.01

FOOTNOTE:
A. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Group 1	$ 8.20	.70	.90		.10
Group 2	8.30	.70	.90		.10
Group 3	8.45	.70	.90		.10
Group 4	8.70	.70	.90		.10
Group 5	9.00	.70	.90		.10
Group 6-A	9.00	.70	.90		.10
Group 6-B	8.70	.70	.90		.10
Group 6-C	8.35	.70	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the communities named in Zone 1:					
Group 1	8.80	.70	.90		.10
Group 2	8.90	.70	.90		.10
Group 3	9.05	.70	.90		.10
Group 4	9.30	.70	.90		.10
Group 5	9.60	.70	.90		.10
Group 6-A	9.60	.70	.90		.10
Group 6-B	9.30	.70	.90		.10
Group 6-C	8.95	.70	.90		.10

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 3: Area over 20 and not more than 40 road miles from the communities named in Zone 1:					
Group 1	$ 9.00	.70	.90		.10
Group 2	9.10	.70	.90		.10
Group 3	9.25	.70	.90		.10
Group 4	9.50	.70	.90		.10
Group 5	9.80	.70	.90		.10
Group 6-A	9.80	.70	.90		.10
Group 6-B	9.50	.70	.90		.10
Group 6-C	9.15	.70	.90		.10
Zone 4: Area over 40 road miles from the communities named in Zone 1:					
Group 1	9.70	.70	.90		.10
Group 2	9.80	.70	.90		.10
Group 3	9.95	.70	.90		.10
Group 4	10.20	.70	.90		.10
Group 5	10.50	.70	.90		.10
Group 6-A	10.50	.70	.90		.10
Group 6-B	10.20	.70	.90		.10
Group 6-C	9.85	.70	.90		.10

LABORERS

Group 1: All cleanup work of debris, grounds, and buildings including Brushloader and windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler; Flagman

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) - all concrete work not listed in Group 3; Grusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) - handling, cleaning and stripping of; Loading and unloading, carrying and handling or all rods and materials for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (slavaging of building matterials other than those listed in Group 3); Greasing Dowels

GROUP 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer under 1/2 yards; Concrete Pan Work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Shipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Drillers' Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5); Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete wet or dry; Rototiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, eweerline, gasline or conduit; Asphalt Rakers

Group 5: Blasters and Powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman
Group 6-B: Gunman, Materialman
Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection)	Basic Hourly Rates Area 1	Basic Hourly Rates Area 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.75	$ 9.90	$ 1.12	$ 2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1.12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20

*SEE page 19 for "AREA DEFINITIONS".

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Assistant to Engineer, including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 H.W.); Fireman, Hot Plant, Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete plant); Motorman; Rotomist; Screedman (except Asphaltic or concrete paving); Oiler (truck crane); Rodman or Chainman

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (aspahlt plant); Concrete Mixer, Skip type; Dinky; Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning, and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small Rubber-tired Tractors; Self-propelled Tape Machine

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade Secters; Grade Checker; Kolman Loader; Material Hoist (2 or more drums; Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plant; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt); Instrument Man

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy Duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving equipment (up to and including 35 cu. yds. "struck" m.r.c.) (Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-lift (20 ft. or over); Mucking Machine; Tractor with boom (D-6 or larger); Track Laying type Earth moving Machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earth Moving Machines (Euclid, Dozers, etc.); Pre-stress Wire Wrapping Machine; Rubber-tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (Reclaim Station); Single Engine Scraper (over 35 cu. yds.); Train Loading Station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEFFCO or similar); Chief of Party

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons) (hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" m.r.c.); Power Shovels, Clamshells, Draglines, Backhoes, Gradeall (over 1 yd. and up to and including 7 cu. yds. m.r.c); Self-propelled Compactor (with multiple propulsion power units); Single Engine rubber-tired Earth-moving Machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loaders (over 12 cu. yds.); Multi-engine Earth-moving Equipment (over 75 cu. yds. "struck" m.r.c); Operator of Helicopter (when used in construction work); power Shovels and Draglines (over 7 cu. yds. m.r.c.); Remote-controlled Earth-moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS Steel Erection					
Group 1	$ 9.22	$ 1.12	$ 2.23	.92	.20
Group 2	9.61	1.12	2.23	.92	.20
Group 3	10.61	1.12	2.23	.92	.20
Group 4	10.75	1.12	2.23	.92	.20
Group 4-A	11.04	1.12	2.23	.92	.20
Group 5	11.52	1.12	2.23	.92	.20
Group 6	11.93	1.12	2.23	.92	.20
Group 6-A	12.50	1.12	2.23	.92	.20
Group 7	13.48	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS
Steel Erection

Group 1: Oiler

Group 2: Compressor Operator; Generaror, gasoline or diesel-driven (100 K.W. or over); Truck Crane Oiler

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6) (Structural steel or tank erection only)

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman-Welder

Group 5: Boom Truck or Dual Purpose A-frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 ton m.r.c. or less); Self-propelled Boom-type Lifting Device (center mount) (10 ton capacity or less m.r.c.); Single Drum Hoist; Tugger Hoist

Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type Lifting Device (center mount) (over 10 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 6-A: Cranes (over 125 tons)

Group 7: Operator of Helicopter

POWER EQUIPMENT OPERATORS Piledriving	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 8.78	$ 1.12	$ 2.23	.92	.20
Group 1-A	9.11	1.12	2.23	.92	.20
Group 1-B	9.26	1.12	2.23	.92	.20
Group 2-A	9.89	1.12	2.23	.92	.20
Group 2-B	10.10	1.12	2.23	.92	.20
Group 3	10.40	1.12	2.23	.92	.20
Group 3-A	10.79	1.12	2.23	.92	.20
Group 4	11.34	1.12	2.23	.92	.20
Group 5	11.48	1.12	2.23	.92	.20
Group 6	12.50	1.12	2.23	.92	.20

POWER EQUIPMENT OPERATORS
Piledriving

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Fork Lift Operator; A-Frames; Self-propelled boom-type Lifting Device (center mount) (10 ton capacity or less m.r.c.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator or Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler) (up to and including 1 cu. yd. rating); Self-propelled boom-type Lifting Device (center mount) (over 10 tons); Truck Crane Operator (up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler) (over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work)

Group 6: Cranes (over 12 tons)

TRUCK DRIVERS	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP (single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement Spreaders:						
Under 4 yards	$ 9.20	$10.35	.51	.65		.05
4 yds. & under 8 yds.	9.40	10.55	.51	.65		.05
8 yds. & under 18 yds.	9.60	10.75	.51	.65		.05
18 yds. & under 35 yds.	9.75	10.90	.51	.65		.05
35 yds. & under 60 yds.	10.00	11.15	.51	.65		.05
60 yds. & under 75 yds.	10.15	11.30	.51	.65		.05
75 yds. & under 100 yds.	10.30	11.45	.51	.65		.05
100 yards and over	10.45	11.60	.51	.65		.05
TRANSIT MIX:						
Under 8 yards	9.60	10.75	.51	.65		.05
8 yds. & including 12 yds.	9.70	10.85	.51	.65		.05
Over 12 yards	9.90	11.05	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gallons	9.40	10.55	.51	.65		.05
2,500 gals. and over	9.60	10.75	.51	.65		.05
DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	9.85	11.00	.51	.65		.05
FLATRACK; Industrial Lift with Mechanical Tailgate:						
Single unit - 2 axle	9.40	10.55	.51	.65		.05
Single unit - 3 axle	9.50	10.65	.51	.65		.05

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUS AND MANHAUL DRIVERS, Single unit; Pickup:						
Up to 18,000 pounds	$ 9.25	$10.40	.51	.65		.05
18,000 pounds and over	9.35	10.50	.51	.65		.05
WINCH TRUCKS, A-Frame:						
Under 18,000 pounds	9.35	10.50	.51	.65		.05
18,000 pounds and over	9.45	10.60	.51	.65		.05
HEAVY DUTY TRANSPORT (highbed); Heavy Duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	9.75	10.90	.51	.65		.05
BOOTMAN, combination; Bootman and Road Oiler	9.65	10.80	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel Drivers; Fuel Man and Fuel Island Man	9.35	10.50	.51	.65		.05
HELICOPTER PILOT (when transporting men or materials	10.15	11.30	.51	.65		.05
LIFT JITNEYS And FORK LIFTS	9.45	10.60	.51	.65		.05
WAREHOUSE CLERK	9.30	10.45	.51	.65		.05
TIRE REPAIRMAN	9.60	10.75	.51	.65		.05
TRUCK REPAIRMAN	9.90	11.05	.51	.65		.05

AREA DEFINITIONS
Power Equipment Operators and Truck Drivers
WASSOE COUNTY

AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of Township 22N, Range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of Township 22N, Range 22E;
Thence Southerly to the N.E. corner of Township 20N, Tange 22E;
Thence Easterly to the N.W. corner of Township 20N, Range 26E;
Thence Northerly to the N.W. corner of Township 22N, Range 26E;
Thence Easterly to the N.W. corner of Township 22N, Range 26E;
Thence Northerly to the N.W. corner of Township 30N, Range 29E;
Thence Easterly to the N.E. corner of Township 30N, Range 33E;
Thence Southerly to the S.E. corner of Township 24N, Range 33E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 16N, Range 31E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 15N, Range 30E;
Thence Westerly to the S.E. corner of Township 15N, Range 27E;
Thence Southerly to the S.E. corner of Township 14N, Range 27E;
Thence Westerly to the S.E. corner of Township 14N, Range 23E;
Thence Southerly to the S.E. corner of Township 13N, Range 23E;
Thence Westerly to the S.E. corner of Township 13N, Range 22E;
Thence Southerly to the N.E. corner of Township 10N, Range 22E;
Thence Easterly to the N.E. corner of Township 10N, Range 23E;
Thence Southerly along the Easterly line of Range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

AREA 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of Township 37N, Range 52E;
Thence Easterly to the S.E. corner of Township 37N, Range 52E;
Thence Northerly to the N.E. corner ot Township 37N, Range 52E;
Thence Easterly to the N.E. corner of Township 37N, Range 58E;
Thence Southerly to the S.W. corner of Township 37N, Range 58E;
Thence Easterly to the S.E. corner of Township 37N, Range 58E;
Thence Southerly to the N.E. corner of Township 31N, Range 58E;
Thence Westelry to the N.W. corner of Township 31N, Range 58E;
Thence Southerly to the S.W. corner of Township 31N, Range 58E;
Thence Westerly to the S.E. corner of Township 31N, Range 52E;
Thence Northerly to the N.E. corner of Township 31N, Range 52E;
Thence Westerly to the S.E. corner of Township 32N, Range 51E;
Thence Northerly to the point of beginning.

AREA 2: All areas not included within Area 1 as defined above.

STATE: NEW YORK COUNTY: ONONDAGA
DECISION NO.: NY77-3094 DATE: DATE OF PUBLICATION
Supersedes Decision No. NY77-3006 dated February 11, 1977 in 42 FR 8951
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$12.15	.81	.35		.04
Boilermakers	11.50	.75	10%		.02
Bricklayers and stone masons	10.04	.75	1.06	f	.01
Carpenters, (Building)	9.77	.75	1.10	f	.05
Carpenters and piledrivermen, (Heavy and Highway)	8.77	.75	1.10	g	.025
Cement masons, (Building)	9.95	.80	.90	f	
Cement masons, (Heavy & Highway)	9.25	.80	.90	e	
Electricians:					
Elebridge and Skaneateles Twps.	12.20	.75	3%+.55		.10
Remainder of County	11.95	.77	3%+.95		.05
Elevator constructors	11.78	.745	.56	a + b	.025
Elevator constructors' helpers	8.25	.745	.56	a + b	.025
Elevator constructors' helpers (probationary)	5.89				
Glaziers	10.00	.80			.01
Ironworkers:					
Structural, ornamental and reinforcing	10.86	.77	.92		.15
Laborers, (Building):					
Laborers	8.20	.75	1.00		
Mason tenders	8.30	.75	1.00		
Scaffold builders	8.30	.75	1.00		
Lathers	9.96	.65	.40		.01
Lead burners	10.75	.40	.25	c	.01
Linemen:					
Linemen	11.10	.65	1%+.60	d	½%
Groundman digging machine op.	9.99	.65	1%+.60	d	½%
Groundman mobile equipment op.	8.88	.65	1%+.60	d	½%
Groundman truck driver	8.325	.65	1%+.60	d	½%
Cable splicer	12.21	.65	1%+.60	d	½%
Groundman dynamite man and mechanic	8.88	.65	1%+.60	d	½%
Marble setters	9.045	.75	1.06		
Millwrights	10.225	.65	1.00		.05
Painters:					
Boatswain Chair	10.57	.60	.68		.05
Bridge	11.02	.60	.68		.05
Swing	10.47	.60	.68		.05
Painters: Cont'd.					
Brush and roller	9.82	.60	.68		.05
Structural steel and sandblasting	10.42	.60	.68		.05
Spray, epoxy application	10.32	.60	.68		.05
Plumbers	11.20	.80	.82		.15
Roofers:					
Roofers	10.35	1.00	1.35		
Sheet metal workers	10.655	.60	.80		.07
Soft floor layers	9.77	.75	1.10	f	.05
Sprinkler fitters	11.86	.65	.95		.08
Steamfitters	11.995	.90	.30		.025
Terrazzo workers	8.045	.75	1.06		
Tile setters	9.045	.75	1.06		
Truck drivers: (Building)					
Truck drivers	8.00	.40	.50		
Mechanics	8.20	.40	.50		
Euclids	8.25	.40	.50		
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. NY77-3094

PAID HOLIDAYS:
A-NEW YEAR'S DAY; B-MEMORIAL DAY; C-INDEPENDENCE DAY; D-LABOR DAY;
E-THANKSGIVING DAY; F-CHRISTMAS DAY.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday; Christmas Eve, and Good Friday providing employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (providing employee works the day before and the day after the holiday).

e. Holidays: A through F, provided employee works the day before and the day after the holiday.

f. Time off for the purpose of voting in accordance with the New York State Election Laws.

g. Holidays: C and D.

DECISION NO. NY77-3094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers: Heavy and Highway Construction					
CLASS A	$ 7.69	.75	1.00	a	
CLASS B	7.89	.75	1.00	a	
CLASS C	8.09	.75	1.00	a	
CLASS D	8.29	.75	1.00	a	

LABORERS DEFINITIONS

CLASS A
Laborers, drill helper, flagman, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and singe diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided the employee has worked the day before and after the holiday.

DECISION NO. NY77-3094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators Building Construction					
CLASS 1	$10.03	.95	.60	a	.10
CLASS 2	9.53	.95	.60	a	.10
CLASS 3	8.51	.95	.60	a	.10

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION

CLASS 1

Asphalt and blacktop roller; automated concrete spreader (CMI or equivalent); Automated fine grade machine (CM); Backhoe; Belt placer; Blacktop spreader (such as Barber Greene and BawKnox) Blacktop plant (automated); Blast or rotary drill (truck or cat mounted); Boom truck; Cableway; Caisson auger; Carry-all-scraper-self loading; Central Mix plant (automated); Cherry picker over five (5) ton capacity; Compressors; Pump; Generator or welding machine (when used in a battery of not more than four (4); Crane; Crusher-cock; Derrick; Diesel power unit; Dragline; Dredge; Dual drum paver; Elevating grader (self-propelled to towed); Elevator hoist - two cage; Excavator - all purpose - hydraulically operated; Fork lift (factory rating 15 ft. or more); Front end loader (4 c.y. and over); Gradall; Grader (power); Head tower (Saur man or equal); Hoist (2 or 3 drums); Locomotive; Maintenance engineer; Maintenance welder; Mine hoist; Mucking machine or mole; Overhead crane fixed permanent; Pile driver; Quarry Master or equivalent; Refrigeration Equipment - for soil stabilization; Shovel; Side boom; Slip form paver; Straddle buggy (Ross carrier, Lumber carrier) Tractor drawn belt type loader (Euclid loader); Trenching machine (digging capacity of over 4 ft. depth); Truck crane operator; Tunnel shovel; Vibro or sonic hammer controls (when not mounted in proximity to the rig operators)

CLASS 2

"A" Frame truck; Blacktop plant non-automatic); Boring machine; Bulldozer; Cage hoist; Carry-all scraper; Central mix plant (non-automated); Cherry picker five (5) tons and under; Compressor (315 c.f. and over); Concrete paver (single drum over 16S); Concrete pump; Core boring machine; Drill rigs-tractor mounted; Elevator - as a material hoist; Forklift (factory rating less than 15 ft.); Front end loader (under 4 cu. yds.); Gunnite machine; High pressure boiler (15 lbs. and over); Hoist (one drum); Hydraulic breaking hammer; (Drop hammer); Kolman plant loader (screening gravel); maintenance grease man; mixer for stabilized base - self propelled (seaman mixer); Monorail machine; Parapet concrete or pavement grinder post hole digger (truck or tractor mounted); Post driver

DECISION NO. NY77-3094

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION (CONT'D)

CLASS 2 (CONT'D)

(truck or tractor mounted); Power sweeper (Wayne or similar); PUMP 4" and over; Pump-crete or squeeze-crete; Road widner (front end of grader or self-propelled); Shell winder (motorized); Snorkel (overhead arms); Roller; Trenching machine (digging capacity of 4 ft. or less); Tugger hoist vibro tamp; Well drill; Well point system (submersible pumps when used in lieu of well-point system); Winch (motor driven); Winch cat; Winch truck

CLASS 3

Compressor (under 315-cu. ft.); Concrete paver or mixer (under 16S); Concrete pavement spreaders and finishers (not automated); Conveyor (over 12 ft.); Electric submersible pump (4" and over); Farm tractor with or without accessories; Fine grade machine (not automated); Fireman; Form tamper; Generator (2,500 watts and over); Hydraulic pump; Mechanical heaters - more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640.000 BTU per hour (manufacturer's rating); Mulching machine; Oiler; Power driven welding machine - 300 amp. and over (other than all electric); One welding machine under 300 amp. will not require an engineer unless in a battery); Power heaterman (hay drier) Pump (under 4"); Revinius widner (road widner); Steam cleaner or Jenny; Tractor with ot without towed accessories

FOOTNOTE:

a. Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

DECISION NO. NY77-3094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators: Heavy & Highway Construction					
GROUP I	$10.05	1.00	.60	a	.10
GROUP II	9.72	1.00	.60	a	.10
GROUP III	9.00	1.00	.60	a	.10
GROUP IV	8.17	1.00	.60	a	.10

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

GROUP I

Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over) crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated, (gradall or similar), fork lift (factor rates 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal) hoist (2 or 3 drum) mine hoist, mucking machine or mole, over head crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be an oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II

Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lobs. and over), hoist (one drum) Kolman plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be an oiler), locomotive maintenance/engineer/greaseman/welder, mixer (for stablized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

DECISION NO. NY77-3094

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION (CONT'D)

GROUP III

A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination) concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled) post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV

Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet (concrete or pavement grinder), power broom (towed), power beaterman, revinius widener, shell winder, steam cleaner, tractor

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; providing the employee works the working day before and after the holiday.

DECISION NO. NY77-3044	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers: Heavy and Highway Construction					
CLASS 1	$ 8.14	.55	.70	a	
CLASS 2	8.19	.55	.70	a	
CLASS 3	8.24	.55	.70	a	
CLASS 4	8.39	.55	.70	a	
CLASS 5	8.54	.55	.70	a	

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS 1

Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic helpers and parts chaser

CLASS 2

Tandems, batch trucks, mechanics and dispatcher

CLASS 3

Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic

CLASS 4

Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier

CLASS 5

Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Paid Holidays A through F, provided the employee has worked the working day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Oregon
DECISION NUMBER: OR77-5078
COUNTIES: Statewide
DATE : Date of Publication
Supersedes Decision No. OR77-5063 dated July 1, 1977, in 42 FR 34230.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 13.16	.57	$ 1.20		.12
BOILERMAKERS	11.60	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington and Yamhill Cos.	11.83	.75	.85		.15
Baker, Union, Umatilla, Wallowa, North half of Malheur Cos.	10.68	.55	.50		
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof), and S½ of Malheur Counties	11.67	.75	.75		.08
CARPENTERS:					
Acoustical and Drywall Applicators; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	10.65	.55	.85	.50	.03
Piledrivermen; Bridge, Dock and Wharf Builders	10.75	.55	.85	.50	.03
Floor Layers and Finishers; Stationary Power Saw Operators	10.80	.55	.85	.50	.03
Boom Men	10.85	.55	.85	.50	.03
Millwrights and Machine Erectors	10.90	.55	.85	.50	.03
CEMENT MASONS:					
Cement Masons	10.37	.75	.70	.60	.10
Composition Workers; Power Machinery Operator	10.52	.75	.70	.60	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Malheur County					
Electricians	$ 10.75	.70	3%+.50		1%
Cable Splicers	11.825	.70	3%+.50		1%
Baker, Gilliam, Grant, Morrow, Umatilla, Wheeler Counties					
Electricians	12.58	.57	3%+.70		.02
Lead Cable Splicers	13.21	.57	3%+.70		.02
Coos, Curry, Lincoln, and those portions of Douglas and Lane Counties lying west of a line north and south from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	12.30	.65	3%+1.00		.04
Cable Splicers	14.76	.65	3%+1.00		.04
Benton, Crook, Deschutes, Jefferson, Lane (eastern portion), Linn, Marion, Polk, S½ of Yamhill Counties					
Electricians	12.80	.65	3%+1.00		.06
Lead Cable Splicers	13.82	.65	3%+1.00		.06
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N½ of Yamhill Counties					
Electricians	12.80	.65	3%+1.00		.05
Lead Cable Splicers	13.55	.65	3%+1.00		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	$ 12.38	.65	3%+1.00		.08
Cable Splicers	13.62	.65	3%+1.00		.08
ELEVATOR CONSTRUCTORS	12.205	.745	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.745	.35	4%+a	.02
ELEVATOR CONSTURCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.03	.51	.65	6.8%	.01
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	11.85	.93	1.00		.10
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Yamhill Counties	11.05	.60	1.00		.01
Lane County	10.50	.60	.75		.01
MARBLE SETTERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N½ of Yamhill Counties	11.83	.75	.85		.15
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	10.68	.55	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS: (Cont'd)					
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, S½ of Malheur, Wasco (including the City of Maupin and south thereof), Wheeler Counties	$ 8.05	.45	.60		
MASON TENDERS: (including tenders of plasterers, bricklayers, tile setters, marble setters and terrazzo worker; Topping for cement finishers and mortar mixer)	8.64	.85	1.05		.10
PAINTERS:					
Malheur County					
Painters and Tapers	8.75	.45	.30		.02
Umatilla (Township of Pendleton only)					
Brush; Glazier; Sign Painter	5.50				
Spray; Sandblasting; Swing Stage; Taping and Paperhanging	5.75				
Remaining Counties					
Brush	9.53	.55	.50		.10
Spray	9.93	.55	.50		.10
Bridges, High work over 50' (brush)	10.28	.55	.50		.10
Bridges, High work over 50' (spray)	10.68	.55	.50		.10
Drywall Finishers	10.65	.65	.60	.50	.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Benton, Coos, Crook, Curry, Douglas, Deschutes, Harney, Jefferson, Northern 1/3 of Klamath, Lane, Southern ½ Lincoln, Linn, Wasco, and Wheeler Counties	$11.10	.60	$ 1.00		.01
Remaining Counties	11.05	.60	1.00		.01
PLUMBERS; Steamfitters:					
Baker; Harney (except NW portion); Malheur Counties	10.42	.59	.70		
Grant (except SW corener); Morrow, Umatilla, Wallowa, Union Counties	12.25	.65	1.15	1.20	.11
N½ of Benton, Lincoln and Linn Counties; S½ of Tillamook and Yamhill Counties; Marion and Polk Counties	12.44	1.00	1.65	1.00	.12
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, Washington, N½ of Yamhill Counties, N½ of Tillamook Counties	13.12	1.21	1.60		.13
Coos, Curry, West coast portion of Douglas, Lane (City of Florence)	10.89	.66	1.02		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Lane (except City of Florence); Douglas (except coast portion) Crook, Deschutes, NW portion of Harney, Northern portions of Klamath and Lake Counties, S½ of Lincoln, Linn, Benton and Jefferson Counties, SW corner of Grant County	$ 12.13	.41	$ 1.55		.05
Remainder of Klamath and Lake Counties	11.12	.75	1.45		.10
Jackson and Josephine Counties	11.48	.75	1.70	1.20	.05
ROOFERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington and Wheeler Cos.					
Roofers	10.45	.65	.80		
Handling of irritating material (coal, tar or epoxy) in unconfined area	10.95	.65	.80		
Handling of irritating material (coal, tar or epoxy) in confined area	11.20	.65	.80		
Roofers' Helpers					
Under 800 hours experience	70%JR				
800-1600 hour experience	75%JR				
Over 1600 hours experience	80%JR				
Coos, Crook, Curry, Descbutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake and Lane Counties					
Roofers	9.95	.45	.10		
Spray and/or application of irritating materials in a confined area	10.95	.45	.10		
Roofers' Helpers	60%JR				
Marion, Yamhill, Polk, Lincoln, Benton and Linn Counties	10.69	.74	.15		
Malheur County	8.90	.60	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Wheeler and Yamhill Counties	$ 11.13	3%+.81	.93	$1.00	.04
Malheur County	10.94	.57	.52		.14
Baker, Umatilla, Union, Wallowa Counties	12.70	3%+.61	1.14		.14
Coos, Curry, Douglas, Klamath, Lake, Lane, Jackson and Josephine Counties	11.635	.52	.38		.03
SOFT FLOOR LAYERS:					
All Counties except Malheur	9.435	.50	.90	c	.07
Malheur County	7.00	.25	.10		.10
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS:					
Baker, Umatilla, Union, Wallowa and N½ of Malheur Counties	10.01	.55	.50		
TILE SETTERS:					
Clatsop, Clackamas, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Wasco (North of the City of Maupin), Washington, Tillamook and N½ of Yamhill County	9.69	.50	.55		.10
Baker, Umatilla, Union, Wallowa Counties and N½ of Malheur Counties	10.01	.55	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof) and S½ of Malheur Counties	9.45	.65	.70		

WELDER; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidential.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer credits 4% basic hourly rate of employee with 5 years' service; 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. Two weeks' Vacation with pay after 1 year of employment. Also seven (7) paid holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of employees with less than one year's service. 6% of all gross wages to be placed to credit of employees with more than one year of service.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
All Counties except Malheur					
Cable Splicers; Leadman					
Pole Sprayer	$ 12.78	.45	3%	.10	1/2%
Linemen; Pole Sprayer; Heavy					
Line Equipment Man; Certified					
Lineman Welder	11.54	.45	3%	.10	1/2%
Tree Trimmer	10.42	.45	3%	.10	1/2%
Line Equipment Man	9.95	.45	3%	.10	1/2%
Head Groundman (Chipper);					
Head Groundman; Powderman;					
Jackhammer Man	8.69	.45	3%	.10	1/2%
Groundman; Tree Trimmer					
Helper	8.18	.45	3%	.10	1/2%

ZONE PAY

Each classifiction will receive the base rate plus Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00

BASE ZONE - 0 to 3 miles from geographical center of towns listed below

ZONE A - 3 to 20 miles radius from geographical center of towns listed below

ZONE B - 20 to 35 miles radius from geographical center of towns listed below

ZONE C - 35 to 50 miles radius from geographical center of towns listed below

ZONE D - in excess of 50 miles.

Base hourly rate will be paid to all men working out of employers' permanent shop.

Spokane	Ellensburg	Astoria	Portland	Coeur D' Alene
Tacoma	Ephrata	Baker	Pendleton	Kellog
Walla Walla	Everett	Burns	Salem	Lewiston
Wenatchee	Kennewick	Bend	Roseburg	Orofino
Yakima	Longview	Eugene	The Dalles	San Point
Wilbur	Olympia	Klamath Falls	Umatilla	
Bellingham	Seattle	Lake View	Corvallis	
		Medford		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: (Cont'd)					
Malheur County					
All work over 34.5 KV and all work on steel towers and/or multiple stations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV; street and highway lighting and motor traffic controls:					
Groundman	$7.48	.45	3%		3/4%
Equipment Operator	9.05	.45	3%		3/4%
Linemen	9.94	.45	3%		3/4%
Cable Splicer	10.93	.45	3%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality					
Groundman	7.22	.45	3%		3/4%
Equipment Operator	8.47	.45	3%		3/4%
Linemen	9.41	.45	3%		3/4%
DREDGING:					
Levermen:					
Dipper	11.80	1.00	1.00	.50	.05
Hydraulic	11.14	1.00	1.00	.50	.05
Assistant Engineer (including watch engineer, Welder, mechanic and machinist); Mate	10.78	1.00	1.00	.50	.05
Tenderman (boatman, attending dredge plant); Fireman	10.54	1.00	1.00	.50	.05
Assistant Mate (deckhand); Oiler	10.28	1.00	1.00	.50	.05

LABORERS

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	$8.39	$8.79	$9.14	$9.39	$9.64	$9.89
Group 2	8.74	9.14	9.49	9.74	9.99	10.24
Group 3	9.04	9.44	9.79	10.04	10.29	10.54
Group 4	9.29	9.69	10.04	10.29	10.54	10.79

FRINGE BENEFITS:

Health and Welfare	$.90	Vacation	$.65
Pension	1.00	Apprenticeship Training	.10

*SEE ZONE DESCRIPTIONS - Following Truck Driver Classifications

LABORERS

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shack Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, Wrecking and Moving Laborers; Driller Helpers; Dumpers, Road Oiling Crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including Guard Rail, Median Rail, Reference Post, Guide Post, Right-of-way Marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Plant Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types; Railroad Track Laborers; Ribbon Sitters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor) Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

Group 2: Applicator (including Pot Tender for same), applying protective material by hand or nozzle on utility lines or storage tanks On project; Brush Cutters (power saw); Burners; Choker Splicers; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking Charred Materials; Grade Checker; Gunite Nozzleman Tender; gunite and Sand Blasting Pot Tender; Handlers or Mixers or all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter), Post Hole Digger, air, gas, or electric, Vibrating Screed, Tampers, Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Stake Setter; Tunnel - Muckers, Brakemen, Concrete Crew, Gull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring down, or sloping to move, set up, align laser beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Swere Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Lasser Beam (tunnel) - Tunnel Miners; Tunnel Powderman

POWER EQUIPMENT OPERATORS

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$9.79	$10.19	$10.54	$10.79	$11.04	$11.29
2	9.93	10.33	10.68	10.93	11.18	11.43
3	10.03	10.43	10.78	11.03	11.28	11.53
4	10.19	10.59	10.94	11.19	11.44	11.69
5	10.21	10.61	10.96	11.21	11.46	11.71
6	10.29	10.69	11.04	11.29	11.54	11.79
7	10.35	10.75	11.10	11.35	11.60	11.85
8	10.45	10.85	11.20	11.45	11.70	11.95
9	10.51	10.91	11.26	11.51	11.76	12.01
10	10.57	10.97	11.32	11.57	11.82	12.07
11	10.59	10.99	11.34	11.59	11.84	12.09
12	10.65	11.05	11.40	11.65	11.90	12.15
13	10.73	11.13	11.48	11.73	11.98	12.23
14	10.89	11.29	11.64	11.89	12.14	12.39
15	11.05	11.45	11.80	12.05	12.30	12.55
16	11.23	11.63	11.98	12.23	12.48	12.73
17	11.37	11.77	12.12	12.37	12.62	12.87
18	11.55	11.95	12.30	12.55	12.80	13.05
19	11.69	12.09	12.44	12.69	12.94	13.19

FRINGE BENFITS:

Health and Welfare	$ 1.00
Pension	1.00
Vacation	.50
Apprenticeship Training	.05

*SEE ZONE DESCRIPTION - following Truck Drivers classifications.

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hygrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled.

Group 7: Roller(any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

POWER EQUIPMENT OPERATORS (Cont'd)

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Aspahlt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with Push-pull attachments, self-loader, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

TRUCK DRIVERS

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$9.81	$10.21	$10.56	$10.81	$11.06	$11.31
2	9.86	10.26	10.61	10.86	11.11	11.36
3	9.91	10.31	10.66	10.91	11.16	11.41
4	9.96	10.36	10.71	10.96	11.21	11.46
5	10.01	10.41	10.76	11.01	11.26	11.51
6	10.11	10.51	10.86	11.11	11.36	11.61
7	10.21	10.61	10.96	11.21	11.46	11.71
8	10.31	10.71	11.06	11.31	11.56	11.81
9	10.41	10.81	11.16	11.41	11.66	11.91
10	10.58	10.98	11.33	11.58	11.83	12.08
11	10.68	11.08	11.43	11.68	11.93	12.18
12	10.78	11.18	11.53	11.78	12.03	12.28
13	10.88	11.28	11.63	11.88	12.13	12.38
14	10.98	11.38	11.73	11.98	12.23	12.48

FRINGE BENEFITS:

Health & Welfare	$ .68
Pension	.70
Vacation	.60
Apprenticeship Training	.05

*SEE ZONE DESCRIPTION - following Truck Drivers Classifications.

TRUCK DRIVERS

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix truck, over7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder - Body Repairman; Water Wagons (rated capacity 5000 to 7000 gallons

TRUCK DRIVERS

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

LABORERS
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

ZONE WAGE SCALE

Portland Only

Zone A - All jobs or projects located within 25 miles of the City Hall of Portland

Zone C - More than 25 miles but less than 35 miles from City Hall

Zone D - More than 35 miles but less than 45 miles from City Hall

Zone E - More than 45 miles but less than 75 miles from City Hall

Zone F - More than 75 miles from City Hall

Eugene and Salem Only

Zone A - All jobs or projects located within 20 miles of the respective City Hall

Zone B - More than 20 miles but less than 25 miles from the respective City Hall

Zone C - More than 35 miles but less than 45 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

LABORERS
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

ZONE WAGE SCALE (Cont'd)

CITIES:

Astoria	Hood River	Newport	Tillamook
Baker	Klamath Falls	Ontario	
Bend	La Grande	Pendleton	
Brookings	Lakeview	Port Orford	
Burns	Madras	Reedsport	
Coos Bay	Medford	Roseburg	
Grants Pass	McMinnville	The Dalles	

Zone A - All jobs or projects located within 10 miles of the respective City Hall

Zone B - More than 10 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

Albany and Corvallis Only

Zone A - All jobs or projects located within 5 miles of the respective City Hall

Zone B - More than 5 miles but less than 25 miles from the respective City Hall

Zone C - More than 25 miles but less than 35 miles from the respective City Hall

Zone D - More than 35 miles but less than 45 miles from the respective City Hall

Zone E - More than 45 miles but less than 75 miles from the respective City Hall

Zone F - More than 75 miles from the respective City Hall

SUPERSEDEAS DECISION

STATE: Rhode Island COUNTIES: Bristol, Kent & Providence

DECISION NO. RI77-3111 DATE: Date of Publication

Supsedes Decision No. RI76-2150, dated November 5, 1976 in 41 FR 48996.

DESCRIPTION OF WORK: Building Construction (including Residential in Providence County), Heavy, Highway, and Marine Construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.28	1.00	1.18		
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS; Cement Masons and Stonemasons:					
Ashton, Berkley, Central Falls, Cumberland, Lincoln, Lonsdale, Pawtucket, and Valley Falls	10.15	.85	.50		.01
BRICKLAYERS; Cement Masons Plasterers, Stonemasons, Marble, Tile & Terrazzo workers:					
Woonsocket, N. Smithfield Burriville & Cumberland Hill	9.55	.95	1.00		.01
Bristol and Kent Counties and Remainder of Providence County:					
Bricklayers and stonemasons	9.55	.95	1.00		.01
Cement masons	9.80	.90	.45		
Marble, Tile and Terrazzo Workers	9.80	.95	1.00		
Plasterers	8.95	.90	.45		
CARPENTERS: Soft Floor Layers & Piledrivermen	9.70	.65	.90		.05
Millwrights	9.95	.65	.90		.05
Residential	7.76	.65	.90		.05
ELECTRICIANS:					
Building	9.40	.48	1%+1.40		.02
Residential, up to and including 3 stories	6.75	.38	1%		.02
ELEVATOR CONSTRUCTORS:					
Constructors	9.70	.495	.32	4%+a+b	.02
Helpers	6.79	.495	.32	4%+a+b	.02
Helpers (Prob.)	4.85	.495	.32	4%+a+b	.02
GLAZIERS	8.88	.52	1.03		.01
IRONWORKERS	9.43	.70	1.50		.05

DECISION NO. RI76-3111

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Laborers, Building: Laborers, carpenter tenders, cement finisher tender, mason Tenders and wrecking laborers	7.75	.60	.75		.10
Asphalt rakers, adzemen, pipe trench bracers, demolition burners, chain saw ops. fence and guard rail erectors, setters of metal forms for roadways, mortar mixers, pipelayers, riprap & dry stonewall builders, highway stone spreaders, pneumatic tools ops., wagon drill ops., tree trimmers, barco-type jumping tampers mechanical grinder operators, plasters' tenders, scaffold builders, &	8.00	.60	.75		.10
Air track oprs., Block pavers rammers, and curb setters	8.25	.60	.75		.10
Powdermen and blasters	9.50	.60	.75		.10
Pumping machine operators	8.30	.60	.75		.10
LATHERS	9.50	.65	.45		.01
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	10.48	.65	1%+.50	d	3/8 of 1%
Drivers Groundman	8.70	.65	1%+.50	d	3/8 of 1%
Groundman	7.16	.65	1%+.50	d	3/8 of 1%
Equipment Operator	9.36	.65	1%+.50	d	3/8 of 1%
MARBLE, TILE & TERRAZZO WORKERS' HELPERS	8.20		1.00		
PAINTERS:					
Brush, Roller and Taper	9.05	.55	.90		
Structural Steel	9.30	.55	.90		
Spray and sand or water blasting	10.05	.55	.90		
Air power brush	9.55	.55	.90		

DECISION NO. RI76-3111

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS	$ 10.31	.86	.99+.55		.07
ROOFERS:					
Composition, waterproofers	10.00	.65	.45		
Slate, tile and precast concrete	10.20	.65	.45		
Helpers Class A	9.15	.65	.45		
Helpers Class B	8.60	.65	.45		
SHEET METAL WORKERS	10.03	.96	1.30		.10
SPRINKLER FITTERS	10.56	.60	.90		.01
STEAMFITTERS, PIPEFITTERS	10.85	.83	1.03		.07
TRUCK DRIVERS: Building					
2-Axle; dumps	7.35	.48	.5125		
Low beds, trailers (24 tons & over), trailers (I-Beam), specialized earth moving rquipment (Euclid-type)	7.68	.48	.5125		
Euclid type equipment over 35 ton capacity	7.93	.48	.5125		
Welders receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. RI77-3111

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve provided employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Paid holidays; A through F, Columbus Day providing employee has been employed 5 working days prior to the Holiday and provided the employee worked the scheduled work days immediately preceding and following the holiday.

DECISION NO. RI77-3111

HEAVY, HIGHWAY AND MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers, stonemasons	$ 9.55	.95	1.00		.01
Carpenters, piledrivers	9.71	.65	.90		.05
Cement masons & finishers	8.00	.50	.35		
Electricians	9.40	.48	1%+1.40		.02
Ironworkers	9.43	.70	1.50		.05
Laborers:					
Laborers	7.75	.60	.75		.10
Adzemen, asphalt tkers, barco type jumping tampers, chain saw op., concrete saw ops., demolition burners, fence and guard rail erectors, grinder ops., mortar mixers, pipelayers, pipe trench bracers pneumatic tools ops. riprap and dry stonewall builders, setters of metal forms for roadways, stumper ops., tree toppers, tree trimmers, wagon drill op., wood chipper ops., concrete and power buggy ops.	8.00	.60	.75		.10
Air track ops., paver, rammers, and curb setters	8.25	.60	.75		.10
Blasters and powdermen	8.50	.60	.75		.10
Open air caisson, underpinning, & boring crew:					
Bottom man	8.50	.60	.75		.10
Laborer, top man	7.75	.60	.75		.10
Helper	7.87	.60	.75		.10
Driller	8.62	.60	.75		.10
Line Construction:					
Linemen	10.48	.65	1%+.50	a	3/8 of 1%
Equipment Operator	9.36	65	1%+.50	a	3/8 of 1%
Groundman	7.16	.65	1%+.50	a	3/8 of 1%
Driver Groundman	8.70	.65	1%+.50	a	3/8 of 1%
Painters:					
Brush, roller and taper	9.05	.55	.90		
Structural steel, stem cleaning	9.30	.55	.90		
Spray and pot man	10.05	.55	.90		
Air power brush	9.55	.55	.90		
Sign Painters	6.64	.26	.25	b+c	
Plumbers	10.16	.86	1.19		.07
Welders receive rate prescribed for craft performing operation to which welding is indicental.					

DECISION NO. RI77-3111

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; D-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays; A through F, Columbus Day provided employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

b. Holidays: A-F, V. J. Day, Columbus Day, & Veteran's Day

c. Vacation: 5 work days with 1 year seniority & 10 work days with 2 years seniority.

DECISION NO. RI77-3111

RI-1-PBO-1-P

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	10.265	.95	1.15		.10
Economobile type equipme nt	10.04	.95	1.15		.10
Fork lift	9.84	.95	1.15		.10
Fireme n nd Oilers	8.29	.95	1.15		.10
Bulldozers, graders, spreaders, tractors, scrapers, rollers, and front-end loaders less than 3 yds.	8.84	.95	1.15		.10
Pippin type backhoes	9.19	.95	1.15		.10
Maintenance Engineers	8.79	.95	1.15		.10
Well-point Installation	8.915	.95	1.15		.10
Gas or electric driven pumps, heater, concrete mixer, stone crushers, air compressors, welding machines and generators for light plants	8.84	.95	1.15		.10

RI-1-PBO-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE PIERS, SUB-BASEMENT SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Digging Machines, cranes, pile, lighters, locomotives, derricks, hoists, pavers, and front end loaders, 3 yds. and over	10.99	.95	1.15		.10
Firemen and Oilers	8.865	.95	1.15		.10
Bulldozers, graders, spreaders, scrapers, rollers, and front-end loaders, less than 3 yds.	9.54	.95	1.15		.10
Maintenance Engineers	9.69	.95	1.15		.10
Well-point Installation Crews	9.715	.95	1.15		.10
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators, for light plants	9.29	.95	1.15		.10
Boat and Tug Operators	10.615	.95	1.15		.10
Deckhands	9.105	.95	1.15		.10

DECISION NO. RI77-3111

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	10.085	.95	1.15		.10
CLASS 2	9.615	.95	1.15		.10
CLASS 3	8.565	.95	1.15		.10
CLASS 4	8.685	.95	1.15		.10
CLASS 5	8.315	.95	1.15		.10
CLASS 6	8.435	.95	1.15		.10
CLASS 7	7.465	.95	1.15		.10
CLASS 8	7.665	.95	1.15		.10
CLASS 9	8.135	.95	1.15		.10
CLASS 10	8.815	.95	1.15		.10
CLASS 11	8.665	.95	1.15		.10

CLASS 1 - Shovels, cranes, gradalls
CLASS 2 - Oiler
CLASS 3 - Bulldozer, roller, and spreaders
CLASS 4 - Scrapers and GRaders
CLASS 5 - Mechanics
CLASS 6 - Pumps and compressors
CLASS 7 - Dozers in yards or pits
CLASS 8 - Mechanics and welders
CLASS 9 - Loaders and cranes in yard
CLASS 10 - Master mechanic
CLASS 11 - Pipping type backhoe

DECISION NO. R1773111

RHODE ISLAND -1-TD-2-3-L

HEAVY & HGIHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 7.12	.6175	.65	a+b	
CLASS II	7.27	.6175	.65	a+b	
CLASS III	7.32	.6175	.65	a+b	
CLASS IV	7.42	.6175	.65	a+b	
CLASS V	7.52	.6175	.65	a+b	
CLASS VI	7.77	.6175	.65	a+b	
CLASS VII	8.02	.6175	.65	a+b	

CLASS I - Pick-up trucks, station Wagons and Panel Trucks
CLASS II - Two Axle, Helpers on Low Beds
CLASS III - Three Axle equipment and ready mix equipment
CLASS IV - Four and Five Axle equipment
CLASS V - Low Bed Trailers, Special earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
CLASS VI - Special earth moving equipment over 35 tons
CLASS VII - Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F; Washington's Brithday, Columbus Day, Veteran's Day; V-J Day, providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive 1 week's vacation; 5 years or more - 2 weeks vacation.

SUPERSEDEAS DECISION

State: Rhode Island COUNTY: Newport
DECISION NUMBER: RI77-3112 DATE: Date of Publication
Supersedes Decision No. RI76-2151, dated November 12, 1976 in 41 FR 50186.
DESCRIPTION OF WORK: Building (including residential), Heavy, Highway and Marine Construction.

3-RI-1-N

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.28	1.00	1.18		
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS: STONEMASONS	9.55	.95	1.00		.01
CARPENTERS:					
Carpenters & Soft Floor Layers	9.28	.65	.90		.03
Millwrights & Piledrivermen	9.88	.65	.90		.03
CEMENT MASONS	9.80	.90	.45		
ELECTRICIANS:					
Little Compton, Tiverton, N. Tiverton	9.70	4%	1%+.80	4%	½%
Remainder of County:					
Building	9.40	.48	1%+1.40		.02
Residential - up to and including 3 stories	6.75	.38	1%		.02
ELEVATOR CONSTRUCTORS:					
Constructors	9.70	.495	.32	4%+a+b	.02
Helpers	6.79	.495	.32	4%+a+b	.02
Helpers (Prob.)	4.85	.495	.32	4%+a+b	.02
GLAZIERS	8.88	.52	1.03		.01
IRONWORKERS:					
Structural, Ornamental & Reinforcing	9.43	.70	1.50		.05
LABORERS:					
Laborers, Building:					
Laborers, Carpenter tenders, cement finisher tender, mason tender & wrecking laborers	7.75	.60	.75		.10
Asphalt rakers, adzemen, pipe trench bracers, demolition burners, chain saw ops., fence and guard rail erectors, setters of metal forms for roadways, mortar mixers, pipelayers, riprap & dry stonewall builders, highway stone spreaders, pneumatic tools ops., wagon drill ops., tree trimmers, barco-type jumping tampers, mechanical grinder operators plasterers' tenders, scaffold builders, & mortar mixers	8.00	.60	.75		.10
A r track ops., block pavers, rammers, and curb setters	8.25	.60	.75		.10
Powdermen and blasters	8.50	.60	.75		.10
Pumping machine operators	8.30	.60	.75		.10

DECISION NO. RI77-3112

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	9.45	.65	.55		.01
LINE CONSTRUCTON:					
Linemen	10.48	.65	1%+.50	d	3/8 of 1%
Groundman	9.16	.65	1%+.50	d	3/8 of 1%
Equipment Operator	9.36	.65	1%+.50	d	3/8 of 1%
Driver Groundman	8.70	.65	1%+.50	d	3/8 of 1%
MARBLE SETTERS, TERRAZZO AND TILE SETTERS	9.80	.95	1.00		
MARBLE, TILE & TERRAZZO HELPERS	8.20		1.00		
LEADBURNERS	9.25	.35		c	.01
PAINTERS:					
Little Compton, Adamsville, Sakonnet, & Tiverton:					
Brush	9.76	.72	1.05		.04
Structural Steel & Spray	11.88	.72	1.05		.04
Spray (other than steel) & sand blasting	10.76	.72	1.05		.04
Repaint & alterations	8.61	.72	1.05		.04
Remainder of County:					
Brush, Roller, & Taper	9.05	.55	.90		
StructuralSteel	9.30	.55	.90		
Spray & Sand orWater Blasting	10.05	.55	.90		
Air power Brush	9.55	.55	.90		
PLASTERERS	8.95	.90	.45		
PLUMBERS	10.31	.86	.99 + .55		.07
ROOFERS:					
Composition, waterproofers	10.00	.65	.45		
Slate, tile, precast concrete	10.20	.65	.45		
Helpers, Class "A"	9.15	.65	.45		
Helpers Class "B"	8.60	.65	.45		
SHEET METAL WORKERS	10.03	.96	1.30		.10
SPRINKLERFITTERS	10.56	.60	.90		.01
STEAMFITTERS	10.85	.83	1.03		.07
TRUCK DRIVERS: Building:					
Dumps & 2-axle equipment	7.05	.48	.525		
Trailers & 3-axle equipment	7.13	.48	.525		
Low bed trailers (24 tons & over, I-Beam trailers, Special earth moving equipment (Euclid type)	7.38	.48	.525		

DECISION NO. RI77-3112

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Euclid type equipment over 35 ton capacity	$ 7.36	.48	.525		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service of 2% of basic hourly rate for months to 5 years or service as Vacation Pay Credit.

b. Holidays: A through F

c. Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar Days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Columbus Day provided employee has been employed 5 working days prior to he holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

DECISION NO. RI77-3112

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers, stone masons, catch basin, manhole builders	9.55	.95	1.00		.01
Carpenters, dock builders, piledrivers:					
Carpenters	9.28	.65	.90		.025
Millwrights, Piledrivers, Wharf bridges	9.88	.65	.90		.025
Cement masons	8.00	.50	.35		
Electricians:					
Little Compton, Tiverton	9.70	4%	1%+.80	4%	3%
Remainder of County	9.40	.48	1%+1.40		.02
Ironworkers; Structural, Ornamental & Reinforcing	9.43	.55	.90+.50		.03
Laborers:					
Laborers, carpenter & cement finisher tenders & wrecking laborers	7.75	.60	.75		.10
Adzeman, asphalt rakers, barco-type jumping tampers, chain saw operators concrete and power buggy operators, concrete saw operators demolition burners fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal froms for roadways, stumper operators, tree toppers tree trimmers wagon drill ops. wood chipper operators	8.00	.60	.75		.10
Air track drill op., Pavers, rammers, curb setters	8.25	.60	.75		.10
Blasters & Powdermen	8.50	.60	.75		.10
Open air caisson, underpinning and boring crew:					
Bottom man	8.50	.60	.75		.10
Laborer, top man	7.75	.60	.75		.10
Helper	7.87	.60	.75		.10
Driller	8.62	.60	.75		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction					
Linemen	9.48	.65	1%+.50	a	3/8 of 1%
Groundman	7.16	.65	1%+.50	a	3/8 of 1%
Equipment Operator	9.36	.65	1%+.50	a	3/8 of 1%
Driver groundman	8.70	.65	1%+.50	a	3/8 of 1%
Painters:					
Little Compton & Tiverson Twps:					
Brush	9.41	.72	.85		.04
Structural Steel	11.58	.72	.85		.04
Spray (other than steel)	10.46	.72	.85		.04
Remainder of County:					
Brush, Roller & Taper	9.05	.55	.90		
Spray	10.05	.55	.90		
Structural Steel	9.30	.55	.90		
Air Power Brush	9.55	.55	.90		
Plumbers	10.16	.86	1.19		.07
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holiday A through F, Columbus Day provided the employee has been employed 5 working days prior to the Holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

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DECISION NO. RI77-3112 RI-1-PBO-1-P

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$10.265	.95	1.15		.10
Boonomobile type equipment	10.04	.95	1.15		.10
Fork lift	9.84	.95	1.15		.10
Firemen and Oilers	8.29	.95	1.15		.10
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.84	.95	1.15		.10
Pippin type backhoes	9.19	.95	1.15		.10
Maintenance Engineers	8.79	.95	1.15		.10
Well-point Installation	8.915	.95	1.15		.10
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.84	.95	1.15		.10

DECISION NO. RI77-3112 RI-1-PBO-2-4-P

BRIDGES, CAISSON, DOCKS, MARINE, PEIRS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Digging machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders, 3 yds. and over	$10.99	.95	1.15		.10
Firemen and Oilers	8.865	.95	1.15		.10
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds.	9.54	.95	1.15		.10
Maintenance Engineers	9.69	.95	1.15		.10
Well-point Installation Crews	9.715	.95	1.15		.10
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	9.29	.95	1.15		.10
Boat and Tug Operators	10.615	.95	1.15		.10
Deckhands	9.105	.95	1.15		.10

DECISION NO. RI77-3112

HIGHWAY & BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Class I	$10.085	.95	1.15		.10
Class II	7.615	.95	1.15		.10
Class III	8.565	.95	1.15		.10
Class IV	8.685	.95	1.15		.10
Class V	8.315	.95	1.15		.10
Class VI	8.435	.95	1.15		.10
Class VII	7.465	.95	1.15		.10
Class VIII	7.665	.95	1.15		.10
Class IX	8.135	.95	1.15		.10
Class X	8.815	.95	1.15		.10
Class XI	8.665	.95	1.15		.10

Class I - Shovels, cranes, gradalls
Class II - Oiler
Class III - Bulldozer, roller and spreaders
Class IV - Scrapers and graders
Class V - Mechanics
Class VI - Pumps and compressors
Class VII - Dozers in yards or pits
Class VIII - Mechanics and welders
Class IX - Loaders and cranes in yard
Class X - Master mechanic
Class XI - Pippin type backhoe

DECISION NO. RI77-3112 RI-1-TD-2-3-L

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 7.12	.6175	.65	a+b	
CLASS II	7.27	.6175	.65	a+b	
CLASS III	7.32	.6175	.65	a+b	
CLASS IV	7.42	.6175	.65	a+b	
CLASS V	7.52	.6175	.65	a+b	
CLASS VI	7.77	.6175	.65	a+b	
CLASS VII	8.02	.6175	.65	a+b	

CLASS I - PIck-up trucks, station Wagons and Panel Trucks
CLASS II - Two Axle, Helpers on Low Beds
CLASS III - Three Axle Equipment and ready mix equipment
CLASS IV - Four & Five Axle Equipment
CLASS V - Low Bed Trailers, Special Earth moving equipment under 35 tons, Mechanics, Paving Restoration Vehicle & Vac Haul
CLASS VI - Special Earth Moving Equipment over 35 tons
CLASS VII - Trailers when used on a double hook-up (pulling 2 trailers)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thansgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday, Columbus Day, Veteran's Day; V-J Day providing employee has worked at least one day in the calendar week in which the holiday falls.

b. Employee who has been on payroll for 1 year or more but less than 5 years and has worked 150 days during the last year of employment shall receive: 1 week's vacation; 5 years or more - 2 weeks vacation.

SUPERSEDEAS DECISION

STATE: South Dakota
COUNTIES: Meade and Pennington
DECISION NUMBER: SD77-5079
DATE : Date of Publication
Supersedes Decision No. SD77-5065 dated June 17, 1977, in 42 FR 3114
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.48	.60	.65		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	9.65		.30		
CARPENTERS:					
Carpenters, Acoustical and Drywall Applicators	9.41		.30	.25	.05
Piledrivermen	9.66		.30	.25	.05
Millwrights	9.91		.30	.25	.05
CEMENT MASONS	7.85	.35	.40		
ELECTRICIANS:					
Within 15 mile radius of Rapid City Post Office					
Electricians	9.65	.40	3%	6%	1/2%
Cable Splicers	10.20	.40	3%	6%	1/2%
Within 15 to 35 miles radius of Rapid City Post Office					
Electricians	10.05	.40	3%	6%	1/2%
Cable Splicers	10.60	.40	3%	6%	1/2%
Outside a 35 mile radius of Rapid City Post Office					
Electricians	10.90	.40	3%	6%	1/2%
Cable Splicers	11.45	.40	3%	6%	1/2%
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Sheeter; Structural	9.90	.55	1.00		.25
LABORERS:					
Laborers; Power Tool Operator or all Mechanical Air, gas, electric tools, including self-propelled Buggies, Wagon and Air Track Drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason Tender; Plaster Tender	5.80	.50	.15		
Gunnite Nozzlemen; Powdermen; Miner; Timbermen	6.30	.50	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$ 7.79				
Spray	8.29				
Tapers	8.04				
PLASTERERS	8.50				
PLUMBERS; Steamfitters	9.83	.40	.50		.03
SHEET METAL WORKERS	9.25				.005
SPRINKLER FITTERS	9.90	.65	.95		.08
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD77-5086 DATE: Date of Publication
Supersedeas Decision No. SD77-5064 dated June 17, 1977 in 42 FR 3113
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.48	.60	.65		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	10.55	.45	.40		.05
CARPENTERS:					
Carpenters; Piledivermen	8.83		.20		.05
Millwrights	9.79		.20		.05
CEMENT MASONS	10.10				
ELECTRICIANS:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	10.12	.40	3%	6%	1½%
Cable Splicers	11.13	.40	3%	6%	1½%
Over 30 miles from Sioux Falls Post Office					
Electricians	11.12	.40	3%	6%	1½%
Cable Splicers	12.13	.40	3%	6%	1½%
GLAZIERS	7.59				
LABORERS:					
Laborers	4.35				
Mortar Mixers, paving breakers, jack hammer operator	4.45				
Nozzleman (gunnite, sandblast and shotcrete)	4.60				
LATHERS	9.36				.01
PAINTERS:					
Brush	7.79				
Spray	8.29				
Tapers	8.04				
PLASTERERS	9.36				.01
PLUMBERS; Steamfitters	9.79	.55	.30	.27	.03
SHEET METAL WORKERS	9.22		.15	.50	
SPRINKLER FITTERS	9.90	.65	.95		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis
DECISION NO.: TX77-4221 DATE: Date of Publication
Supersedes Decision No. TX77-4206, dated August 19, 1977, in 42 FR 42141.
DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.35	.60	.60		.08
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	9.64	.50	.40		.04
CARPENTERS:					
Carpenters	9.86	.43	.40		.04
Millwrights	10.11	.43	.40		.04
CEMENT MASONS	8.69	.40	.30		
ELECTRICIANS & CABLE SPLICERS	10.70		3%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.29	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				
GLAZIERS	8.31		.20		.01
IRONWORKERS	9.45	.55	.80		.12
LABORERS:					
GROUP 1 - General laborer and pier hole men	5.655	.275	.40		.02
GROUP 2 - Mason tender; Pipelayer (concrete & clay); Cement finisher tender; Scaffold builder; Gunnite & cement work mixer & power tool operator	5.805	.275	.40		.02
GROUP 3 - Plaster tender; Hod carrier; Morter mixers; Lather tender; Water or damp proofers	5.98	.275	.40		.02
GROUP 4 - Gunnite over 1½" thick; Nozzlemen; Machine operator; Powderman & blaster	6.055	.275	.40		.02
LATHERS	9.825				.01
LINE CONSTRUCTION:					
Linemen	10.30	.40	3%		1/2%
Groundmen	5.67	.40	3%		1/2%
Groundmen (1st year)	5.15	.40	3%		1/2%
MARBLE SETTERS	7.96	.45			.04
MARBLE SETTERS' FINISHERS	5.62				

DECISION NO. TX77-4221

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush; Taping & floating of sheetrock	$ 7.95				
GROUP 2 - Paperhangers; Chipper, burner, torch; Skeleton steelwork erected	8.20				
GROUP 3 - Spray; Steam cleaning, sand blast & other powered equipment	8.45				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) - 25¢ per hour above all base rates					
PLASTERERS	9.54	.45	.40		.01
PLUMBERS & STEAMFITTERS	10.05	.35	.35		.05
ROOFERS:					
Roofers	5.23				.01
Kettlemen	5.08				.01
SHEET METAL WORKERS	10.35	3%+.35	.66		.07
SOFT FLOOR LAYERS	9.17	.35	.45		.09
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	7.96	.45			.04
TERRAZZO WORKERS' FINISHERS:					
Terrazzo finishers	5.62				
Floor machine operators	5.82				
Base machine operators	5.97				
TILE SETTERS	7.96	.45			.04
TILE SETTERS' FINISHERS	5.62				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX77-4221

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher, Operated on Job; Welding Machine, 6 to 12, Two 125 cu. ft. Compressors; Well Points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loader, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Firemen

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX77-4222

DATE: Date of Publication

Supersedes Decision No. TX77-4192, dated August 19, 1977, in 42 FR 42119

DESCRIPTION OF WORK: Building Construction (does not include single family homes & garden type apartments up to & including 4 stories). Building Construction includes construction of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment or supplies. It includes all construction of such structures, the installation of utilities & the installation of equipment, both above & below ground level, as well as excavation & foundation.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	$10.35	.60	.60		.08
ZONE 2 - Bosque, Hill & McLennan Counties	10.03	.40	.76		.025
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS	9.10		.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Counties:					
Carpenters	8.20				
Millwrights	8.45				
ZONE 2 - Bosque, Falls, Hill & McLennan Counties:					
Carpenters	8.45				
Millwrights	8.85				
CEMENT MASONS	8.69	.40	.30		
ELECTRICIANS:					
ZONE 1 - Bell (that part which is nearer to Waco than Austin but excluding that part of Fort Hood, the boundary which presently is located approximately 2 miles inside the Bell Co. line & the City of Killeen), Bosque, Coryell (except that part of Fort Hood south of Cowhouse Creek), Falls, Hill & McLennan Counties	9.15		3%		1/4%
ZONE 2 - Bell (that part which is nearer to Austin than Waco & not to extend more than 2 miles into Bell Co. from the southeast boundary line of Coryell Co., Gray Field & the City of Killeen) & Coryell (that part south of Cowhouse Creek) Counties	10.70		3%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.33	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Probationary)	50%JR				

DECISION NO. TX77-4222

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	$ 6.90				
IRONWORKERS	9.45	.55	.80		.12
LABORERS:					
Unskilled	2.97				
Mason tenders	3.55				
Mortar mixers	3.55				
LATHERS	9.30			.80	.05
LINE CONSTRUCTION:					
Linemen; Linemen operators	11.52		3%		1/2%
Cable splicers	12.67		3%		1/2%
Groundman, 1st 6 months	6.91		3%		1/2%
Groundman, 2nd 6 months	7.49		3%		1/2%
Groundman, 1 year & over	8.06		3%		1/2%
PAINTERS:					
GROUP 1 - Brush	7.60				.04
GROUP 2 - Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	8.10				.04
GROUP 3 - Ames tools for dry walls	8.20				.04
GROUP 4 - Spray work & self feeding rollers	8.35				.04
GROUP 5 - Steam cleaning, sandblasting & hazardous work	8.70				.04
PLASTERERS	9.54	.45	.40		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro	8.70	.30	.33		.03
ZONE 2 - All other areas	9.10	.30	.33		.03
ROOFERS:					
GROUP 1 - Slate, tile, asbestos, roofing & siding	6.95				.03
GROUP 2 - Composition, built-up, damp & waterproofing	6.80				.03
GROUP 3 - Kettlemen	5.10				.03

DECISION NO. TX77-4222

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan County Court House, Waco	$ 9.26		.39		.05
ZONE 2 - Over 20 miles but less than 45 miles including the towns of Hillsboro, Temple, Marlin, Gatesville & Clifton	9.76		.39		.05
ZONE 3 - Over 45 miles	10.26		.39		.05
SPRINKLER FITTERS	11.15	.65	.95		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX77-4222

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driver, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, power operated; Pump Crete Machines; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations
GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator
GROUP 3 - Fireman
GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Wisconsin
COUNTY: Green and Rock
DECISION NUMBER WI77-2111
DATE: Date of Publication
Supersedes Decision No.WI76-2163, dated December 10, 1976 in 41 FR 54152
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

54 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.57	.60	.70	1.00	.04
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	10.65				
CARPENTERS	10.28	.50	.50		.07
Millwrights	10.80	.50	.50		.07
Piledrivermen	10.43	.50	.50		.07
Soft Floor Layers	10.28	.50	.50		.07
CEMENT MASONS	9.50	.65	.65		
ELECTRICIANS	10.70	.45	3%	7%+d	.50%
ELEVATOR CONSTRUCTORS:					
Southern portion of County	11.01	.545	.35	4%+b+c	.02
Nothern portion of County	10.175	.545	.35	4%+b+c	.02
Elevator constructors' helpers:					
Southern portion of County	7.71	.545	.35	4%+b+c	.02
Northern portion of CountY	7.12	.545	.35	4%+b+c	.02
Elevator Constructors helpers (prob.)	50%JR				
GLAZIERS:					
Northern 2/3 of County	9.15	.40	.30	.45	.01
Southern 1/3 of County	9.44	.37	.20	1.00	.02
IRONWORKERS (all):					
Vic. Edgerton, Milton, Pool-ville, & Evansville	10.22	.50	.25		.03
Vic. of Janesville, Shopiers	11.875	.65	.375		.10
LATHERS					
Eastern ½	9.50	.55	.45		.01
Southerwestern portion	9.84	.40	.35		.04
Remainder of County	9.05	.45	.20	.50	.01
LINE CONSTRUCTION:					
Linemen	9.37	.35	5%		.5%
Truck driver & digger operator	6.46	.35	5%		.5%
Groundmen (experienced)	5.88	.35	5%		.5%
Equipment Operators	7.77	.35	5%		.5%
PAINTERS:					
Brush	9.29	.70	.30	.30	.01
Structural Steel (brush)	9.44	.70	.30	.30	.01
PAINTERS (CONT'D)					
Spray	10.04	.70	.30	.30	.01
Swing Stage	9.54	.70	.30	.30	.01
PLASTERERS	9.60	.65	.65		
PLUMBERS & STEAMFITTERS	11.46	.50	.35		.06
ROOFERS	10.55	.40			
SHEET METAL WORKERS	10.29	.45	.40		.02
TERRAZZO WORKERS	10.65				
TILE SETTERS	10.65				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. WI77-2111

PAID HOLIDAYS: A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six Paid holidays : A through F.

b. Employer contributes 4% of regular hourly rate for vacation pay credit for employee who has worked in business more than 5 years, and 2% for employee who has worked in the business less than 5 years

c. Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immeidately preceding and following the holidays.

d. Includes 1.5% holiday pay.

e. Additional payment of 4 hours per month and .03 per hour weekly for employee who has worked less than 5 years. 6-2/3 hours per month for 5 years or more.

DECISION NO. WI77-2111

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS BUILDING CONSTRUCTION					
General laborers, concrete laborers, building wrecker, form strippers, concrete saw and power buggy operatOR .. mortarmixer, power rammer, vibrator operator, Air chisel operator (over 18 lbs.), chipping hammer operator (over 18 lbs.), fork lift operator railroad tampler plaster mixer and concrete pump hose por. (1 man)	8.68	.30	.25		.02
Mason tender	8.83	.30	.25		.02
Pneumatic hammer (60 lbs. or over Manf. Specifications)	8.68	.30	.25		.02
BITUMINOUS PAVING LABORERS:	8.93	.30	.25		.02
General Laborer	8.68	.30	.25		.02
Raker and luteman	8.78	.30	.25		.02

DECISION NO. WI77-2111

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	10.67	.75	.90		.10
GROUP II	10.42	.75	.90		.10
GROUP III	10.12	.75	.90		.10
GROUP IV	10.02	.75	.90		.10
GROUP V	9.81	.75	.90		.10
GROUP VI	9.57	.75	.90		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, skid rigs, derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, End-loader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, safety Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3" Augers (vertical and horizontal), combination small equipment operator, Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

[FR Doc.77-27402 Filed 9-22-77;8:45 am]

federal register

FRIDAY, SEPTEMBER 23, 1977
PART X

PRIVACY ACT ISSUANCES, ANNUAL PUBLICATION

Department/ Agency	Systems of Records	Rules
Advisory Committee on Federal Pay	48730	48824
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National Capital Planning Commission	48768	48847
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ADVISORY COMMITTEE ON FEDERAL PAY

PRIVACY ACT OF 1974

Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), the Advisory Committee on Federal Pay hereby publishes the systems of records as currently maintained by the agency. The systems were published in the November 5, 1976 Federal Register (41 FR 49080-49081).

Dated at Washington, D.C., on August 2, 1977.

Jerome M. Rosow,
Chairman.

TABLE OF CONTENTS

ACFP—1 General Financial Records
ACFP—2 Payroll Records
Appendix

ACFP—1

System name: General Financial Records—ACFP

System location: General Services Administration, Central Office; copies held by the ACFP. (GSA holds records for the ACFP under contract.)

Categories of individuals covered by the system: Committee employees and members

Categories of records in the system: SF1038, Application and account for advance of funds; vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the ACFP who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also Public Law 91-656.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix following ACFP notices. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, prusuant to a power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: ACFP Staff Assistant, Suite 205, 1730 K Street, NW., Washington, D. C. 20006

Notification procedure: Contact system manager listed above

Record access procedures: Committee members, past or present, or employees, past or present, who desire access to their individual records in the custody of the ACFP or GSA should contact the Committee's Staff Assistant in writing. See Committee access regulations in 5 CFR 1401.

Contesting record procedures: Committee members, past or present, or employees, past or present, who desire to contest record procedures in the custody of the ACFP or GSA should contact the Committee's Staff Assistant in writing. See Committee record contest regulations in 5 CFR 1410.

Record source categories: The subject individual; the Committee.

ACFP—2

System name: Payroll Records—Advisory Committee on Federal Pay.

System location: General Services Administration, Region 3 Office; copies held by the ACFP. (GSA holds records for the Advisory Committee on Federal Pay under contract.)

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by the ACFP and GSA employees to maintain adequate payroll information for ACFP employees, and otherwise by the ACFP and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally. Also, Public Law 91-656.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Staff Assistant, Advisory Committee on Federal Pay, Suite 205, 1730 K Street, NW., Washington, D.C. 20006. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Staff Assistant.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Public Law 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Staff Assistant, Advisory Committee on Federal Pay, Suite 205, 1730 K Street, NW., Washington, D.C. 20006.

Notification procedure: Refer to ACFP access regulations contained in 5 CFR Part 1410.

Record access procedures: Refer to ACFP access regulations contained in 5 CFR Part 1410.

Contesting record procedures: Refer to ACFP access regulations contained in 5 CFR Part 1410.

Record source categories: The subject individual; the Committee.

APPENDIX—Advisory Committee on Federal Pay

In the event that a system of records maintained by this agency 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 the 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.

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 an agency 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.

A record from this system of records may be disclosed 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, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

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.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.77-27897 Filed 9-22-77;8:45 am]

CIVIL SERVICE COMMISSION

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

The Privacy Act of 1974 (5 U.S.C. 552a, Public Law 93-579) requires agencies to publish annually in the Federal Register a notice of the existence and character of their systems of records. This document gives notice of the systems of records published by the U.S. Civil Service Commission in compliance with the requirements of 5 U.S.C. 552a(e)(4), as added by section 3 of the Privacy Act of 1974.

The following are the Federal Register citations at which the U.S. Civil Service Commission has previously published notices regarding its systems of records:

40 FR 39239 (August 27, 1975)—original notice of proposed systems of records; notice effective September 27, 1975.

40 ER 54356 (November 21, 1975)—notice of revisions to original notice of August 27, 1975; notice effective on publication.

41 FR 11075 (March 16, 1976)—notice of proposed additional routine uses for systems of records.

41 FR 35757 (August 24, 1976)—notice of proposal to establish a new system of records; notice effective September 24, 1976.

41 FR 42158 (September 24, 1976)—annual notice of complete text of systems of records as required by the Privacy Act of 1974.

41 FR 54522 (December 14, 1976)—notice of amendment and adoption of proposed routine use previously published on March 16, 1976.

41 FR 55568 (December 21, 1976)—notice of adoption of proposed routine uses previously published on March 16, 1976, and proposal to establish additional routine uses for systems of records; newly proposed additional routine uses effective January 21, 1977.

Substantive Revisions of the System Notices

One substantive revision to the Commission's previously published system notices appears in this notice. Under paragraph b of the "record access procedures" for the General Personnel Records system (CSC/GOVT—3), former Federal employees are now instructed to direct requests for access only to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission. Under the previously published notices, individuals requesting access to their records in that system could have contacted either the Director, Bureau of Manpower Information Systems, or a regional or area office of the Commission.

James C. Spry,
Executive Assistant to the Commissioners.

TABLE OF CONTENTS

Following are the names of the systems of records which appear in this notice. The systems are of two types:

(1) Civil Service Commission systems are those which contain records assembled and used by the Commission for personnel functions carried out centrally for itself and or for agencies, or which contain records about Commission employees only; and

(2) Government-wide systems are those which contain records defined either in form or content (or both) by the Commission and which are maintained either at the Commission or the agency (or both). They are utilized primarily for agency related personnel management functions.

Civil Service Commission Systems of Records

Defense Mobilization Emergency Cadre Records (CSC—1)
Civil Service Retirement Records (CSC—2)
Executive Assignment and Inventory Records (CSC—3)
Federal Executive Development Program Records (CSC—4)
Litigation and Political Activity (Hatch Act) Records (CSC—5)
Motor Vehicle Operator and Accident Report Records (CSC—6)
Pay, Leave, and Travel Records (CSC—7)
Personnel Research Test Validation Records (CSC—8)
Managerial Potential Rating System (CSC—9)

Government-wide Systems of Records

Appeals, Grievances, and Complaints Records (CSC/GOVT—1)
Confidential Employment and Financial Interest Statements (CSC/GOVT—2)
General Personnel Records (CSC/GOVT—3)
Personnel Investigations Records (CSC/GOVT—4)
Recruiting, Examining, and Placement Records (CSC/GOVT—5)

Appendix

CSC—1

System name: Defense Mobilization Emergency Cadre Records—CSC.

System location: Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Civil Service Commission employees who are members of the Defense Mobilization Cadre.

Categories of records in the system: Records contain the name, address, telephone number, date of birth, physical description, and private automobile information on members of the Defense Mobilization Cadre.

Authority for maintenance of the system: Federal Civil Defense Act of 1950 and Executive Order 11490.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used only in case of a nuclear attack on the United States as follows:

a. To provide a means for returning Commission employees who have become separated from their duty station to duty.

b. To give the Commission a basis for continuing on its roster of active employees those who are prevented from performing their regular job assignments.

c. To establish a central point where Commission managers can get information about their employees.

d. To provide maximum utilization of skills of surviving Commission employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained on cards.

Retrievability: Records are indexed by individual name and emergency cadre.

Safeguards: Records are maintained in card file equipment. Records are available only to authorized personnel whose duties require access.

Retention and disposal: Records are maintained as long as the individual is an emergency cadre member. Expired records are burned.

System manager(s) and address: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Contact the Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Date of birth.
c. Address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting records through: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as record access procedures above.

Record source categories: Information is provided by the individual to whom the records pertain.

CSC—2

System name: Civil Service Retirement and Insurance Records—CSC.

System location: Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: The categories of individuals are:

a. Former Federal employees and Members of Congress who performed service subject to the Civil Service Retirement (CSR) System.

b. Current Federal employees who have:

(1) performed Federal service subject to the Civil Service Retirement (CSR) System, other than that with their present agency; or

(2) filed a designation of beneficiary for benefits payable under the CSR System; or
(3) requested the Bureau of Retirement, Insurance, and Occupational Health (BRIOH) to review a claim for health benefits made under the Federal Employees' Health Benefits Program; or
(4) filed a service credit application in connection with former Federal service not subject to the CSR System.

c. Former Federal employees who died subject to or who retired under the CSR System, or their surviving spouses and/or children, who have received or are receiving CSR benefits, Federal Employees' Group Life Insurance benefits, and/or Federal Employees' Health Benefits.

d. Former Federal employees who died subject to or who retired under a Federal Government retirement system other than the CSR System, or their surviving spouses and/or children, who have received or are receiving Federal Employees' Group Life Insurance benefits and/or Federal Employees' Health Benefits.

e. Applicants for Federal employment found unsuitable for employment on medical grounds.

Categories of records in the system: This system is comprised of those retirement service history records of employees' service in the Federal Government, other than that service for the agency in which they may presently be employed. It also contains information that supports claims for benefits made under the retirement, health benefits and life insurance programs for Federal employees which the Bureau of Retirement, Insurance, and Occupational Health (BRIOH) administers. These records contain the following information:

a. Documentation of Federal service subject to the CSR System.

b. Documentation of service credit and refund claims made under the CSR System.

c. Retirement claim files, including documents supporting the retirement application, health benefits and life insurance eligibility, medical records supporting disability claims, and designations of beneficiary.

d. Claim review and correspondence files pertaining to benefits under the Federal Employees' Health Benefits Program.

e. Suitability determination files on applicants for Federal employment found unsuitable for employment on medical grounds.

f. Documentation of claims made for life insurance and health benefits by annuitants under a Federl Government retirement system other than the CSR System.

g. Health Unit Medical records for CSC employees.

Authority for maintenance of the system: Section 3301 and chapters 83, 87, and 89 of title 5, United States Code, and Public Laws 83-598, 84-356, and 86-724.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used:

a. To disclose to the Office of Workers' Compensation Program; Veterans Administration Pension Benefits Program; Social Security Old Age, Survivor, and Disability Insurance and Medical Programs; military retired pay programs; Federal civilian employee retirement programs other than the Civil Service Retirement System's or other national, state, county, municipal, or other publicly recognized charitable or social security administrative agency, information needed to adjudicate a claim for benefits under BRIOH's or the recipient's benefit program(s), or information needed to conduct an analytical study of benefits being paid under such programs.

b. To disclose to the Federal Employee's Group Life Insurance Office, information necessary to verify enrollment in or to support an individual's claim for life insurance benefits under the Federal Employee's Group Life Insurance Program.

c. To disclose to a health insurance carrier or plan participating in the Federal Employees' Health Benefits Program information necessary to verify enrollment in or support an individual's claim for health insurance benefits under the program.

d. To disclose to any inquirer, if sufficient information is provided to assure positive identification of an individual on whom a department or agency maintains retirement or insurance records, the fact that an individual is or is not on the retirement rolls and, if so, the type of annuity (employee or survivor) being paid.

e. When an individual to whom a record pertains dies, disclosure of information in the individual's record to the person appointed as representative of the estate, to the person designated by the representative or to a designated beneficiary, information which might properly be disclosed to the individual. When a representative of the estate has not been appointed, the individual's next of kin may be recognized as the representative of the estate.

f. To disclose to the Internal Revenue Service, Department of the Treasury, earnings information as required by the Internal Revenue Code of 1954.

g. To disclose to the Department of the Treasury information necessary to issue benefit checks.

h. To disclose to a Federal, State, or local law enforcement agency, information indicating a possible violation of law, whether civil, criminal, or regulatory in nature.

i. To disclose to a Federal, State, or local law enforcement agency, information necessary to obtain information relevant to a BRIOH determination concerning an individual's eligibility for or entitlement to coverage under the retirement, life insurance, and health benefits programs administered by BRIOH.

j. To disclose to an official of any Federal agency information he or she needs to know in the performance of his or her official duties related to the hiring, retention, separation, or retirement of an employee, or issuance of a grant, license, or other benefit.

k. To disclose information to the Office of Management and Budget at any stage of the legislative coordination and clearance process in connection with private relief legislation as set forth in Circular No. A-19.

l. To disclose to an official of any Federal agency any information he or she needs to know in the performance of his or her official duties related to compiling descriptive statistics and making analytical studies in support of the function for which the records were collected and maintained, or for related personnel research functions and/or manpower studies.

m. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

n. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who, in the judgment of the Commission, is responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained on magnetic tapes, disks, and in paper folders.

Retrievability: Records are indexed by name, social security number, date of birth, and/or claim number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: All records relating to a claim for retirement, life insurance, and health benefits are maintained permanently. Medical records not associated with a disability retirement claim file are retained for 1 to 7 years.

System manager(s) and address: Director, Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Individuals wishing to inquire whether this system of records contains information about them should address their inquiries, providing their full name, any former names, date of birth, name and address of office in which currently and/or formerly employed in the Federal service, and annuity account number, if assigned, to: Director, Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Record access procedures: Individuals wishing to see information in their records or contest information about them should address their inquiries, providing their full name, any former names under which they were employed, date of birth, social security number, name and address of office in which currently and/or formerly employed in the Federal service, and annuity account number, if assigned, to: Director, Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as record access procedures above.

Record source categories: The information in this system is obtained from the following sources:

a. The individual whom the information is about.
b. Agency pay, leave, and allowance records.
c. GSA National Personnel Records Center.

d. Federal civilian retirement systems other than the Civil Service Retirement System.
e. Military retired pay system records.
f. Office of Workers' Compensation Programs.
g. Veterans Administration Pension Benefits Programs.
h. Social Security Old Age, Survivor and Disability Insurance and Medicare Programs.
i. Health insurance carriers and plans participating in the Federal Employees' Health Benefits Program.
j. The Office of Federal Employees' Group Life Insurance.
k. Civil Service Commission Government-wide System of General Personnel Records or equivalent agency file.
l. The individual's co-workers and supervisors.
m. Physicians who have seen or treated the individual.

CSC—3

System name: Executive Assignment and Inventory Records—CSC

System location: Bureau of Executive Personnel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system:

a. Current and former incumbents of positions at grades GS-16 through GS-18 under the Executive Assignment System, or incumbents of positions at equivalent levels over which the Civil Service Commission exercises at least partial approval authority.
b. Current and former incumbents of career or schedule C positions compensated under the Executive Schedule.
c. Current and former incumbents of positions at grades GS-16 through GS-18, or equivalent levels, who noncompetitively acquire status under Civil Service Rule III.
d. In addition to the individuals indicated in "a" above, other current and former employees in the executive branch in grades 15 through 18 under the General Schedule, or at equivalent pay levels under other salary systems, not specifically excepted from inventory coverage. The principal groups of employees excepted from inventory coverage include employees in the commissioned service systems; Administrative Law Judges at grade GS-15; employees of the Panama Canal Company, the Canal Zone Government, and the Soldiers' Home; employees involved in intelligence matters where the release of personnel information would be detrimental to national security; foreign nationals employed outside the United States; and employees hired on a consultant, part-time, or intermittent basis.

Categories of records in the system: These records include:

a. Demographic information and background data on experience, education, publications, awards, and career interests of employees in the inventory.
b. A record of referrals identifying position, agency, and individuals referred.
c. Information about the qualifications of appointees.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302, 3309, 3313, 3318, 3324, 3325, 3326, 5114, 5333, 5532, 5723; 10 U.S.C. 1581; P.L. 81-691, P.L. 85-322, P.L. 85-726; and E.O. 11315.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: These records are used as follows:a. To identify and refer qualified Federal employees or qualified applicants for vacancies at grades GS-16 through GS-18, or equivalent levels.

b. To make lateral referrals for positions at GS-15 or equivalent level, in conjunction with the Federal Automated Career System (FACS).
c. To refer qualified Federal employees or retirees to State and local Governments and international organizations for employment consideration.
d. To provide agencies with inventory extracts of their employees.
e. To provide some of the information required in the annual report to the Congress mandated by 5 U.S.C. 5114.
f. To respond to inquiries from individuals, employing agencies, the Congress, or other third parties when such response is not otherwise prohibited by law or regulation.
g. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.
h. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders, magnetic tapes, punched cards, and microfiche.

Retrievability: Records are indexed by name and social security number.

Safeguards: Records are available only to authorized personnel of the Commission and agencies whose duties require access.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Director, Bureau of Executive Personnel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Contact the system manager above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Date of birth.
c. Social security number.
d. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: Director, Bureau of Executive Personnel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as record access procedures above.

Record source categories: Information is provided by the individual named in the record, employing agency, and obtained from official documents of the Commission.

CSC—4

System name: Federal Executive Development Program Records—CSC.

System location: Bureau of Executive Personnel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Federal employees at grade GS-15, or equivalent level, who applied and were nominated by their agency for the Federal Development program.

Categories of records in the system: These records contain demographic information and background data on experience, Education, awards, and career interests; agency recommendations and supervisory evaluations; records of the evaluation process used by the selection panel in choosing the finalists; and data on assignments and progress under the program.

Authority for maintenance of the system: Executive Order 11315.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are to be used as follows:

a. To respond to inquiries from individuals, employing agencies, Congress, or other third parties when such response is not prohibited by law or regulation.
b. For production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.
c. To select final candidates and to arrange work assignments.
d. To provide information to a congressional office from the record of an individual in response to an inquiry from a gongressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are in locked cabinets. Records are available only to authorized personnel of the Commission and agencies whose duties require access.

Retention and disposal: The Federal Executive Development Program records are kept indefinitely.

System manager(s) and address: Director, Bureau of Executive Personnel, U.S. Civi; Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Contact the system manager above. It is necessary to furnish the following information in order to identify the individual whose records are requested.

a. Full name.
b. Date of birth.
c. Social security number.
d. Program year. (Year nominated or selected for program.)
e. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: Director, Bureau of Executive Personnel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as record access procedures above.

Record source categories: Information is provided by the individual, supervisors, and other management officials, the selection panel, and obtained from agency records.

CSC—5

System name: Litigation and Political Activity (Hatch Act) Records—CSC.

System location: Office of the General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Persons who file civil actions against the Civil Service Commission and persons covered by the Hatch Act who have had allegations of prohibited political activity complaints filed against them.

Categories of records in the system: Litigation files consist of administrative appeal records, investigative files, and documents from retirement files and Official Personnel Folders. Also included are documents generated in a civil action including the complaint, answer, motions, briefs, and court orders and decisions. Political Activity (Hatch Act) files consist of information and evidence gathered in the course of investigation of allegations, letters of charges, employee's answers, close-out letters, administrative briefs and memoranda, correspondence from Congress and individuals having an interest in the case, and the final administrative decision.

Authority for maintenance of the system: 5 U.S.C. 1301-1308, 5 U.S.C. 1504, and Executive Order 10577.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below.

a. To defend the Civil Service Commission against law suits.
b. To enforce the provisions of the Hatch Act.
c. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.
d. To request information from a Federal, State, or local agency maintaining civil, criminal, or other 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 issuance of a grant, license, or other benefit.
e. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders.

Retrievability: Litigation records are indexed by name of the parties bringing suit and the civil action number. Hatch Act records are indexed by name and state.

Safeguards: Records are available only to authorized personnel of the General Counsel's office.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Contact the system manager above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Record in which interested.
c. State of residence at time of action.
d. Civil action number, if any.
e. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as record access procedures above.

Record source categories: Information is obtained from the Commission's executive files, individual to whom record pertains, employing agency, investigations, fellow employee representatives, witnesses at administrative hearings, and court proceedings.

CSC—6

System name: Motor Vehicle Operator and Accident Report Records—CSC.

System location: Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Employees of the Civil Service Commission.

Categories of records in the system: Authorization to issue a Government motor vehicle operator's permit, and reports, correspondence, and fiscal documents concerning automobile accidents.

Authority for maintenance of the system: Civil Service Commission Administrative Manual Supplement 177-C and Chapter 171 of Title 28, United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below.

a. For litigation in a Federal court when necessary.
b. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.
c. To request information from a Federal, State, or local agency maintaining civil, criminal, or other 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 issuance of a grant, license, or other benefit.
d. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are available only to authorized personnel whose duties require access.

Retention and disposal: Motor vehicle operator records are maintained for three years and are destroyed by shredding. Accident reports are maintained for six years and are destroyed, except in cases involving litigation, which are maintained indefinitely.

System manager(s) and address: The system managers are as indicated below.

a. For motor vehicle operator records: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.
b. For accident reports records: Office of General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Contact the appropriate system manager above. It is necessary to furnish the following information in order to identify the individual whose records are requested.

a. Full name.
b. Record in which interested.
c. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records by writing the appropriate system manager indicated above.

Contesting record procedures: Same as record access procedures above.

Record source categories: Information is obtained from the individual, Commission employees and parties involved in accident, witness to accident, police reports, reports of investigation by Commission investigators, supervisory personnel in the Commission, and officials of the General Services Administration.

CSC—7

System name: Pay, Leave, and Travel Records—CSC

System location: Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Employees of the Civil Service Commission.

Categories of records in the system: Contains various records required to administer the pay, leave, and travel requirements of the Civil Service Commission.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below.

a. To authorize payroll deductions for allotments, saving bonds, charitable contributions, union dues, health benefits and life insurance; collect indebtedness for over-payment of salary and unpaid internal revenue taxes; pay income tax obligation to Internal Revenue Service; authorize mailing or holding salary checks or saving bonds; authorize issuing of salary checks by Treasury Department; obtain reimbursement of travel expenses for official business; report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; and provide for a summary of employee's payroll data and retirement contributions.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

c. For litigation in a Federal court when required.

d. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

e. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

f. To request information from a Federal, State, or local agency maintaining civil, criminal, or other information relevant to an agency decision concerning the hiring or retention of an employee, issuance of a security clearance, the letting of a contract, or issuance of a grant, license, or other benefit.

g. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

h. To provide officials of labor organizations recognized under Executive Order 11491, as amended, with information as to the identity of Civil Service Commission employees contributing dues each pay period and the amount of dues withheld from each contributor.

i. To disclose information to State and local tax authorities, except that social security account numbers will not be furnished to State and local governments not satisfying the reqirements set forth in section 7(a)(2)(B) of the Privacy Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders, on cards, magnetic tapes, and in looseleaf binders.

Retrievability: Records are indexed by name.

Safeguards: Records are available only to authorized personnel whose duties require access.

Retention and disposal: Records are maintined for varying periods of time from one year to permanently. Disposal is by shredding.

System manager(s) and address: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Contact the system manager above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Date of birth.
c. Social security number.
d. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washngton, D.C. 20415.

Contesting record procedures: Same as record access procedures above.

Record source categories: Information is provided by management officials and by the individual on whom the record is maintained.

CSC—8

System name: Personnel Research Test Validation Records—CSC.

System location: U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, and each of the Commission's regional offices listed in the appendix.

Categories of individuals covered by the system: Federal employees; applicants for Federal employment; state and local government applicants and employees.

Categories of records in the system: These records include education and employment history, test scores, responses to test items and questionnaires, interview data, and ratings of supervisors regarding the individuals to whom the records pertain.

Authority for maintenance of the system: Title 5, U.S. Code, Sections 3301 and 1303.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data are collected on a project-by-project basis and are used for the construction, analysis, and validation of written tests; and for research on personnel measurement and selection methods. Routine use includes the exchange of personnel records between the Commission and a specific Federal agency for personnel research purposes and the use of personal identifier such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies). No personnel decisions are made in the use of these research records. Many data are collected under conditions assuring their confidentiality. This confidentiality will be protected. Personal information in this system of records is used by the personnel research staff in the Commission or the specific Federal agency involved. These records may be also used as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders, on punched cards, and magnetic tape.

Retrievability: Records are maintained by project. Personal information can be retrieved by name or personal identifier only for certain research projects such as those that involve longitudinal studies.

Safeguards: Records are kept in locked files in a locked room, and access is limited to authorized research staff.

Retention and disposal: Indefinite.

System manager(s) and address: Director, Personnel Research and Development Center, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, and Director of each regional office of the Commission (see address of each regional office in the appendix).

Notification procedure: Contact the appropriate system manager above.

Record access procedures: None. See exemption below.

Contesting record procedures: None. See exemption below.

Record source categories: Individual Federal, State, or local employees or applicants, supervisors, assessment center assessors, or data from agency or Commission personnel files and records.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(6) all material and information in this system of records about an inividual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the reocrd, maintenance of information in records, publication annually in the Federal Register, and provisions regarding agency rules, in that portions of this system relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service. The sepcific material that is exempted is as follows:

a. Answer keys.
b. Ratings given for the purpose of validating examinations.
c. Rating sheets.
d. Rating schedules, including crediting plans.
e. Transmutation tables.
f. Test booklets.
g. Test item files.

CSC—9

System name: CSC Managerial Potential Rating System—CSC.

System location: Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: Individuals who are employed or who were employed on or after the date of implementation of the system (November, 1976) by the U.S. Civil Service Commission, in permanent positions classified in pay grades GS—13, GS—14, and GS-15, and their supervisors.

Categories of records in the system: These records contain the following types of information about the covered individuals:

a. Demographic data—date of birth, sex, educational level, year of degree, academic discipline, service computation date, handicap code, and minority group designator.

b. Position data—organization, occupation, grade level, number of employees supervised, identification of supervisors.

c. Rating data—ratings of managerial potential obtained from the employee and his supervisors, and date of rating.

Authority for maintenance of the system: Sections 3341, 3361, 4118, and 4503 of Title 5, U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to:

a. Serve as a basis for employee counseling by supervisors on career development.

b. Rank the managerial potential of covered employees as one of the elements used for agency management decisions regarding career development, awards, and promotions to managerial positions.

c. Demographic data will be used to produce statistical summaries to help assure that ratings are based solely on individual performance. The summaries will indicate trends that will be helpful in assessing compliance with equal employment opportunity and in assessing the relationship of managerial potential rating to such factors as educational level, recency of education, academic discipline, and years of Federal service.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: The records are maintained on magnetic tape, punched cards, lists, and forms.

Retrievability: Records are indexed by a combination of name, employee identification number, grade, occupation, and organization.

Safeguards: Records are stored in lockable metal file cabinets or in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Automated records are retained for five to ten years. Manual input is retained for three years.

System manager(s) and address: Director, Personnel and Labor Relations Division, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, N.W. Washington, D.C. 20415.

Notification procedure: Inquiries, including name, CSC employee identification number, and date of rating, should be addressed to the system manager named above.

Record access procedures: Current or former employees who wish to gain access to their records should direct such a request in writing, including their name, CSC employee identification number, and date of rating, to the system manager named above.

Contesting record procedures: Same as record access procedures, above.

Record source categories: Information in this system of records comes from the individual to whom it applies, and/or the individual's supervisors, except position and demographic information provided by agency officials.

CSC/GOVT—1

System name: Appeals, Grievances, and Complaints Records—CSC

System location: U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, offices of the Civil Service Commission as indicated in the appendix, and agency personnel or designated offices.

Categories of individuals covered by the system: Applicants for Federal employment, current and former Federal employees, agencies, and annuitants who appeal a determination made by an official of an agency or the Civil Service Commission to the Civil Service Commission, a Board established to adjudicate appeals, or an agency.

Categories of records in the system: This system of records contains information or documents relating to a decision or determination made by an agency or the Commission affecting an individual. This system of records includes files of appeals under Part 772 of the Commission's regulations, classification appeals, performance rating appeals files, Fair Labor Standards Act complaints, grievance files, and EEO complaint files.

Authority for maintenance of the system: Title 5, U.S.C., Sections 1302, 3301, 3302, 4308, 5115, 5338, 5351, 5388, 7151, 7154, 7301, 7501, 7512, 7701, 8347, Executive Orders 9830, 10577, 10987, 11222, 11478, and Pub. L. 93-259.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint, or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a court subpoena and/or refer to a district court in connection with a civil suit.

d. To adjudicate an appeal, complaint or grievance.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

f. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

g. To request information from a Federal, State, or local agency maintaining civil, criminal, or other 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 issuance of a grant, license, or other benefit.

h. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

i. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

j. To disclose information to another Federal agency or to a court when the Government is party to a suit before the court.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are maintained up to two years from the closing of the case and are transferred to the GSA Regional Federal Records Centers. They are destroyed by the Federal Records Centers when the records are seven years old.

System manager(s) and address: a. Appeals Review Board appeal and reopening petition Control Index Card file: Chairman, Appeals Review Board, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

b. Appeals under Part 772: Director, Federal Employee Appeals Authority, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

c. Classification appeals to the Commission, performance rating appeals, and complaints records: Director, Bureau of Personnel Management Evaluation, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

d. Agency adverse action appeals records (initiated prior to September 9, 1974), classification appeals in agencies, EEO complaints files, and grievance records: Personnel Officer or designated official, Local Agency Installation.

Notification procedure: Contact the appropriate system manager above. Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the appropriate system manager indicated above regarding the existence of such records pertaining to them. It is necessary to furnish the following information when making inquiries about records:

a. Full name.
b. Date of birth.
c. Kind of action taken by the agency.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of an appeal or grievance record is permitted during the prosecution of an appeal, grievance, or complaint by the individual to whom the record pertains. However, after an appeal, grievance, or complaint case has been closed, an individual may gain access to, or contest the official copy of, an appeal, grievance, or complaint record by writing the appropriate system manager indicated above. Individuals should provide their name, date of birth, agency in which employed, approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

Contesting record procedures: Same as record access procedures above.

Record source categories: The sources of these records are:

a. Individual to whom the record pertains.
b. Agency and/or Commission officials.
c. Affidavits or statements from employee.
d. Testimony of witnesses.
e. Official documents relating to the appeal, grievance, or complaint.
f. Correspondence from specific organizations or persons.

CSC/GOVT—2

System name: Confidential Employment and Financial Interest Statements—CSC

System location: The records are located in agencies and the Civil Service Commission as indicated below.

a. Office of the General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

b. Office of the General Counsel or designated official, Department or Agency with which employed, Washinglton, D.C.

Categories of individuals covered by the system: Agency heads; Presidential appointees in the Executive Office of the President; Presidentially appointed full-time members of committees, boards, aor commissions; and agency employees who are required by Executive Order 11222 to file such statements, including former employees.

Categories of records in the system: Contains statement of personal and family holdings and other interests in business enterprises; listing of creditors, outside employment, and opinion of counsel; and confirmation material.

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: These records are used as indicated below.

a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, state, or local, charged with the responsibility of investigating or implementing the statute, or rule, regulation or order issued pursuant thereto.

b. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

e. To disclose information to another Federal agency or to a court when the Government is party to a suit before the court.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: These records are located in lockable metal file cabinets.

Retention and disposal: These records are disposed of two years after separation of the employee or five years upon approval of the Civil Service Commission.

System manager(s) and address: The System Managers are indicated below.

a. For agency heads; Presidential appointees in the Executive Office of the President; Presidentially appointed full-time members of committees, boards, or commissions; Commissioners and employees of the Civil Service Commission:
Office of the General Counsel, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

b. For all employees other than those indicated above:
Office of the General Counsel, Department or Agency with which employed, Washington, D.C.

Notification procedure: Contact the appropriate system manager indicated above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Department or agency and component.
c. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records by contacting in person or by writing the appropriate System Manager indicated above.

Contesting record procedures: Same as record access procedures above.

Record source categories: Individuals on whom records are maintained.

CSC/GOVT—3

System name: General Personnel Records—CSC

System location: These records are located in agencies and the National Personnel Records Center as indicated below.

a. Current Federal employees: Personnel Office or designated office, Department or Agency with which employed, Local Installation.

b. Former Federal employees: National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

Categories of individuals covered by the system: Current and former Federal employees.

Categories of records in the system: These records contain information about an individual such as the birth date; Social Security Number; veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letters of commendation, reprimand, charges, and decision on charges; notice of reduction in force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training files; minority group designator files; records relating to life insurance, health benefits, and designation of beneficiary; performance ratings; awards; medical records; performance appraisals; appraisals of potential; Central Personnel Data File (CPDF); mobility assignment files under the Intergovernmental Personnel Act; and agency adverse action files.

Authority for maintenance of the system: Title 5, U.S.C. Sections 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, dated September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be:

a. Used in the selection process by the agency maintaining the record in connection with appointments, transfers, promotions, or qualifications determinations. To the extent relevant and necessary, it will be furnished upon request to other agencies for the same purpose.

Disclosed to other Government agencies maintaining relevant enforcement or other information if necessary to obtain from these agencies information pertinent to decisions regarding hiring or retention.

c. Disclosed to prospective employers or other organizations, at the request of the individual.

d. Disclosed to officials of foreign Governments for clearance before employee is assigned to that country.

e. Disclosed to educational institutions for training purposes.

f. Disclosed to the Department of Labor; Veterans' Administration; Social Security Administration; Department of Defense; Federal agencies who may have special civilian employee retirement programs; National State, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under the Bureau of Retirement, Insurance, and Occupationsl Health's or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such program.

g. Disclosed to health insurance carriers or plans participating in the Federal Employee's Health Benefits Program in support of a claim for health insurance benefits.

h. Disclosed to Federal Employees' Group Life Insurance Program in support of an individual's claim for life insurance benefits.

i. Disclosed to labor organizations in response to requests for names of employees and identifying information.

j. If information indicates a possible violation of law, it may be disclosed to law enforcement agencies.

k. Disclosed to district courts to render a decision when an agency has refused to release to current or former Federal employees a record under the Freedom of Information Act.

l. Disclosed to district courts for use in rendering a decision when an agency has refused to release a record to the individual under the Freedom of Information Act (FOIA).

m. Used to provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

n. Used in the production of summary descriptive statistics and analytical studies. The records may be used to respond to general requests for statistical information (without personal identifier) under FOIA; or to locate individuals for personnel research or other personnel research functions.

o. Disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

p. Disclosed to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

q. Disclosed to an agency upon request for determination of an individual's entitlement to benefits in connection with Federal Housing Administration programs.

r. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

s. Used to provide an official of another Federal agency any information he or she needs to know in the performance of his or her official duties related to reconciling or reconstructing data files, compiling descriptive statistics, and making analytical studies in support of the personnel functions for which the records were collected and are maintained.

t. Disclosed to officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necesssary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

u. Used to select employees for incentive awards and other honors and to publicize those granted. This may include disclosure to other public and private organizations, including news media, which grant or publicize employee awards or honors.

v. Disclosed to another Federal agency or to a court when the Government is party to a suit before the court.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: The records are maintained in file folders, magnetic tape, punched cards, microfiche, lists, and forms.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms with access limited to those whose official duties require access.

Retention and disposal: The Official Personnel Folder (OPF) is retained by the employing agency as long as the individual is employed with that agency. When the individual transfers to another Federal agency or to another appointing office, the OPF is sent to that agency or office. Within thirty (30) days after an individual separates from the Federal service, the OPF is sent to the National Personnel Records Center. Adverse action files are retained by the agency indefinitely. Other records are maintained for 2 years or destroyed when an individual leaves the agency.

System manager(s) and address: The System Managers are indicated below.

a. For current Federal employees: Personnel Officer or other designated official, Department or Agency with which employed, Local Installation.

b. For former Federal employees: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: The procedures are indicated below.

a. If interest is in specific agency or department, inquiries, including name, date of birth, and Social Security Number, should be addressed to: Director of Personnel, Department or Agency concerned, Washington, D.C.

b. Other inquiries, including name, date of birth, and Social Security Number, should be addressed to: Director, Bureau of Manpower Information systems, U.S. Civil Service Commission, 1900 E Street, N.W. Washington, D.C. 20415.

Record access procedures: The procedures are indicated below.

a. Current Federal employees who wish to gain access to their records should contact their: Personnel Office, or designated office, Agency or Department with which employed, Agency or Department Installation.

b. Former Federal employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and Social Security Number, to: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: The procedures for contesting records are indicated below:

a. Same as record access procedures above for current Federal employees.

b. For former Federal employees: Direct such a request in writing, including name, date of birth, and Social Security Number to: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information the individual supplied, except information provided by agency officials on pay, leave, and allowance records.

CSC/GOVT—4

System name: Personnel Investigations Records—CSC

System location: Bureau of Personnel Investigations, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Categories of individuals covered by the system: The categories of individuals are indicated below.

a. Current and former applicants for employment in the Federal service, including Government corporations, Government controlled corporations, and other establishments in the executive branch, and in the Government of the District of Columbia.

b. Current and former Federal employees, including employees of Government corporations, Government controlled corporations, and other establishments in the executive branch, and employees of the Government of the District of Columbia.

c. American citizens who are current or former applicants for employment with International Organizations.

d. American citizens who are current or former employees of International Organizations.

e. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

f. Individuals considered for assignment as representatives of the Federal Government in volunteer programs.

g. Individuals who are neither applicants nor employees of the Federal Government, but are or were involved in Federal programs under a cooperative assignment or similar agreement.

h. Individuals who are neither applicants nor employees of the Federal Government, but are or were involved in matters related to the administration of the merit system.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, and behavior in the community where he or she lives or lived; arrests and convictions for any violations against the law; reports of interviews with present and former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies, employers, educational institutions attended; and other information developed from the above.

Authority for maintenance of the system: The authorities for maintenance of the system are indicated below.

a. Section 2, Civil Service Act of 1883—original authority, now codified in Title 5, CFR Section 5.2, Civil Service Rule V.

b. Sections 1303, 1304, and 3301, Title 5, U.S.C.

c. Sections 7, 8(b), 8(c), 9(a), 9(c) and 14, Executive Order 10450.

d. Public Law 92-261 and Sections 713.216 and 713.220 of the Civil Service Regulations.

e. Section 7701, Title 5, U.S.C. (formerly Section 14 of the Veterans Preference Act of 1944, as amended), and Executive Order 10988.

f. Sections 1501-1508 and 7324-7327 of Title 5, U.S. Code (formerly Section 12(b) of the Hatch Act).

g. Section 2165 of Title 42, U.S. Code (formerly the Atomic Energy Act of 1954, as amended).

h. Section 2585 of Title 22, U.S. Code (formerly P.L. 87-297).

i. Executive Order 10422, as amended.

j. Section 2455 of Title 42, U.S. Code (formerly the National Aeronautics and Space Act, P.L. 85-568).

k. Section 1434 of Title 22, U.S. Code (formerly P.L. 80-402).

l. In addition to the provisions cited above, there are various acts of Congress that contain implied authority for the Commission to investigate, such as laws prohibiting the purchase and sale of office, holding of two offices, conspiracy, and other prohibitory statutes.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows:

a. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

b. To designated officers and employees of other agencies and departments of the Federal Government to avoid duplication when such agency or department conducts an investigation of the individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas.

c. To designated officers and employees of other agencies and departments of the Federal Government having the responsibility to grant security clearance, make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement.

d. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

e. To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

f. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the 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 enforcement or implementing the statute, or rule, regulation, or order issued pursuant thereto. Such referral shall also include, and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other interagency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties.

g. To a Federal agency, in response to its request, in connection with 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 matters.

h. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

i. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

j. To disclose information to another Federal agency or to a court when the Government is party to a suit before the court.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Some files are maintained in folders in a room with a windowless door which is locked with a manipulation-proof combination lock and protected by a police alarm system. Older files are in storage at the GSA Reords Center, Suitland, Maryland. Other files are maintained in metal file cabinets which are secured by use of bars and combination locks when not in use. The index for this system of records is contained in Rotary Wheeldex machines which are covered and locked when not in use.

Retrievability: Records are indexed by name in alphabetical order.

Safeguards: All officials and employees are required to have an appropriate security clearance before they are allowed access to the files and records.

Retention and disposal: The procedures are indicated below.

a. File cards from the index to the system of records which show the existence of an investigative file are maintained for 20 years plus the current year, or longer if further investigative activity was initiated within the past 20 years. File cards which show completion of clear National Agency Checks or National Agency Checks and Inquiries are maintained for two years plus the current year.

b. Other cards are removed from the index and stored. In 1980 the stored cards and corresponding investigative files will be destroyed.

c. Files destroyed by the CSC are burned. The means of disposal of investigative files is determined by the National Archives and Records Service.

System manager(s) and address: Director, Bureau of Personnel Investigations, United States Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Notification procedure: Contact the system manager above. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.
b. Date of birth.
c. Place of birth.
d. Any available information regarding the type of record involved.
e. Category of individual under which the individual believes he or she fits.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting the records through: Director, Bureau of Personnel Investigations, United States Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

Contesting record procedures: Same as record access procedures above.

Record source categories: Information contained in the system was obtained from the following categories of sources:

a. Applications and other personnel and security forms furnished by the individual.
b. Investigative and other record material furnished by Federal agencies.
c. Notices of personnel actions furnished by Fedral agencies.
d. By personal investigation or written inquiry from sources such as employers, educational institutions, references, neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, newspapers, magazines, periodicals, and other publications.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), (2) and (5), and (6) all information about an individual in the records that meets the criteria stated in 5 U.S.C. 552a(k)(1), (2), (5), and (6) are exempt from the requirements of 5 U.S.C. 552a(c)(3) and (d) relatig to access and contest and making an accounting of disclosure to the individual named in the records for the following reasons:

a. In that personnel investigations from time to time obtain information relevant to the matter under investigation which is properly classified by another agency and which pertains to national defense or foreign policy, applications of exemptions (k)(1) will be required to prevent the individual from gaining access to such information under subsection (d) of the Act.

b. In that personnel investigations involve civil law enforcement in connection with the administration of the merit system, the effectiveness of which would be impaired should the individual obtain access to the investigative record of the matter, the application of exemption (k)(2) may be required to prevent the individual from gaining access under subsection (d) of th Act. Also, as the access by the individual to an accounting of disclosures of the record of such an investigation may impair a law enforcement function, the application of the exemptions to subsection (c)(3) of the title will be required.

c. In that a personnel investigation can involve information obtained from a source who furnished such information under a properly granted promise that the identity of the source would be held in confidence, the application of exemption (k)(5) will be required to honor such a promose should the individual request access to the record under subsection (d).

d. In that personnel investigations in connection with the administraion of the examining function of the merit system may involve the collection of test material, the application of exemption (k)(6) will be required to prevent the exposure of such material which would compromise the examinating process.

CSC/GOVT—5

System name: Recruiting, Examining, and Placement Records—CSC

System location: Civil Service Commission Job Information Centers; area, regional, and central offices of the Civil Service Commission as indicated in the appendix; and personnel and other offices of Federal agencies that are authorized to make appointments to positions and to act for the Commission by delegated authority.

Categories of individuals covered by the system: Persons who have applied for Federal employment or are employees or former employees of the Federal Government.

Categories of records in the system: These records contain information relating to the education and training; employment history and earnings; appraisal of past performance; convictions for offenses against the law; results of written tests; appraisal of potential; honors, awards, or fellowships; military service; veteran preference; birthplace; birth date; Social Security Number; names of relatives who are employed in the Federal service; legal residence; and home address of persons who have applied for Federal employment or are employees or former employees of the Federal Government.

Authority for maintenance of the system: Title 5 U.S.C., Sections 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 4103, 5532, 5533, and 5723.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

a. To refer applicants to Federal agencies for employment consideration.

b. To refer applicants to State and local Governments, congressional offices, international organizations, and other public offices with permission of an applicant for the purpose of employment consideration.

c. To refer current and former Federal employees to Federal agencies for consideration for transfer, reassignment, reinstatement, and/or promotion, as applicable.

d. To refer current Federal Government employees for consideration for reassignment and promotion within the employing agencies.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies. The records may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

f. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

g. To request information from a Federal, State, or local agency maintaining civil, criminal, or other 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 issuance of a grant, license, or other benefit.

h. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

i. To provide an educational institution with information on an appointment of a recent graduate to a Federal position at a certain grade level.

j. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

k. To disclose information to another Federal agency or to a court when the Government is party to a suit before the court.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Acess, Retention, and Disposal below.

Storage: Records are maintained on magnetic tapes, disks, punched cards, microfiche, cards, lists, and forms.

Retrievability: Records are indexed by name, date of birth, and Social Security Number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Quality assurance checks and appropriate computer-related safeguards are employed. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records in this system are retained and disposed of per the requirements of GSA Records Schedule 1.

System manager(s) and address:

a. For applicants who filed an application with an Area Office: Director, Bureau of Recruiting and Examining, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415.

b. For individuals who filed an application with a specific agency: The personnel or designated office of the agency installation where application was made.

Notification procedure: The procedures are indicated below.

a. For applicants: Contact the Area Office to which the individual applied. (See address of area offices listed in the appendix below). Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, title of examination or announcement with which concerned, and geographic area in which consideration was requested.

b. For current Federal employees: If the application was made to a specific agency, the personnel office of the agency where application was made. Individuals should provide name, date of birth, Social Security Number, vacancy announcement number (if known), and title of position for which applied.

Record access procedures: Same as noitification procedures above.

Contesting record procedures: The procedures are indicated below.

a. For applicants: Area Office to which the individual applied. (See address of area offices listed below).

b. For current Federal employees: If the application was made to a specific agency, the personnel office of the agency installation where application was made.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualifications; results of examination which are made known to applicants and vouchers supplied by references the applicant lists.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C. 552a(k)(6) all material and information about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G), (H), and (I), and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication annually in the Federal Register, and provisions regarding rules, in that portions of this system relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service. The specific material that is exempted is as follows:

a. Answer keys.
b. Ratings given for the purpose of validating examinations.
c. Rating schedules, including crediting plans.
d. Rating sheets.
e. Test booklets.
f. Test item files.
g. Transmutation tables.

Appendix

An individual can obtain information regarding the location of systems of records that may contain personal information on him or her by contacting in person or in writing one of the Commission's offices indicated below that is nearest to where he or she resides.

Regional and Area Civil Service Commission Offices

ATLANTA REGION

1340 Spring St., N.W., Atlanta, Georgia 30309.

Area Offices

Southerland Building, 806 Governors Dr., S.W., Huntsville, Alabama 35801.
Federal Building, 80 N. Hughey Avenue, Orlando, Florida 32803.
Federal Office Building, 275 Peachtree St., N.E., Atlanta, Georgia 30303.
600 Federal Place, Louisville, Kentucky 40202.
802 N. State St., Jackson, Mississippi 39201.
310 New Bern Ave., Raleigh, North Carolina 27601.
Federal Office Building, 334 Meeting St., Charleston, South Carolina 29403.
100 Main St., Memphis, Tennessee 38103.

BOSTON REGION

John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Area Offices

Federal Building, 450 Main St., Hartford, Connecticut 06103.
Federal Building, Augusta, Maine 04330.
3 Center Plaza, Boston, Massachusetts, 02108.
Federal Building, Portsmouth, New Hampshire 03801.
Federal—Post Office Building, Kennedy Plaza, Providence, Rhode Island 02903.
Federal Building, Burlington, Vermont 05401.

CHICAGO REGION

Federal Office Building, 29th Floor, 230 South Dearborn St., Chicago, Illinois 60604.

Area Offices

219 S. Dearborn St., Chicago, Illinois 60604.
U.S. Courthouse and Federal Building, 46 E Ohio St., Indianapolis, Indiana 46204.
477 Michigan Ave., Room 565, Detroit, Michigan 48226.
Federal Building, Room 196, Fort Snelling, Twin Cities, Minnesota 55111.
U.S. Courthouse and Federal Building, Room 507, 200 W. 2nd Street, Dayton, Ohio 45402.
161 W. Wisconsin Ave., Milwaukee, Wisconsin 53203.

DALLAS REGION

1100 Commerce St., Dallas, Texas 75242.

Area Offices

Federal Office Building, Room 3305, 700 W. Capitol Ave., Little Rock, Arkansas 72201.
Federal Building, 610 South St., New Orleans, Louisiana 70130.
421 Gold Ave., S.W., Albuquerque, New Mexico 87102.
210 NW. 6th St., Oklahoma City, Oklahoma 73102.
1100 Commerce St., Room 6B4, 6th Floor, Dallas, Texas 75242.
Property Trust Building Suite N302, 2211 E. Missouri Ave., El Paso, Texas 79903.
702 Caroline St., Houston, Texas 77002.
643 E. Durango Blvd., San Antonio, Texas 73205.

DENVER REGION

Building 20, Denver Federal Center, Colorado 80225.

Area Offices

U.S. Post Office Building, 1845 Sherman Avenue, Denver, Colorado 80203.
130 Neill Ave., Helena, Montana 59601.
657 2nd Ave. North, Fargo, North Dakota 58102.
Federal Building-U.S. Courthouse, Room 201, 515 9th St., Rapid City, South Dakota 57701.
350 S. Main St., Room 484, Salt Lake City, Utah 84101.
2120 Capitol Avenue, Room 3002, Cheyenne, Wyoming 82001.

NEW YORK REGION

New Federal Building, 26 Federal Plaza, New York, New York 10007.

Area Offices

970 Broad St., Newark, New Jersey 07102.
26 Federal Plaza, New York, New York 10007.
U.S. Courthouse and Federal Bldg., 100 S. Clinton St., Syracuse, New York 13202.
U.S. Court House and Federal Office Building, Carlos A. Chardon St., Hato Rey, Puerto Rico 00918.

PHILADELPHIA REGION

William J. Green, Jr., Federal Building, 600 Arch St., Philadelphia, Pennsylvania 19106.

Area Offices

Federal Office Building, 844 King St., Wilmington, Delaware 19801.
Federal Building, Lombard St. and Hopkins Place, Baltimore, Maryland 21201.
William J. Green, Jr., Federal Building, 600 Arch St., Philadelphia, Pennsylvania 19106.
Federal Building, 1000 Liberty Ave., Pittsburgh, Pennsylvania 15222.
Atlantic National Bank Building, 415 St. Paul Blvd., Norfolk, Virginia 23510.

Federal Building, 500 Quarrier St., Charleston, WEst Virginia 25301.

ST. LOUIS REGION

1256 Federal Building, 1520 Market St., St. Louis, Missouri 63103.

Area Offices

New Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.
120 S. Market St., Wichita, Kansas 67202.
601 E. 12th St., Kansas City, Missouri 64106.
1520 Market St., St. Louis, Missouri 63103.
215 N. 17th St., Omaha, Nebraska 68102.

SAN FRANCISCO REGION

Federal Building, Box 36010, 450 Golden Gate Avenue, San Francisco, California 94102.

Area Offices

522 North Central Ave., Phoenix, Arizona 85004.
851 S. Broadway, Los Angeles, California 90014.
650 Capitol Mall, Sacramento, California 95814.
880 Front Street, San Diego, California 92188.
450 Golden Gate Ave., Box 36122, San Francisco, California 94102.
300 ALa Moana Blvd., Honolulu, Hawaii 96813.
50 S. Virginia St., Reno, Nevada 89505.

SEATTLE REGION

Federal Building, 26th Floor, 915 Second Avenue, Seattle, Washington 98174.

Area Offices

617 G. St., Anchorage, Alaska 99501.
Federal Building, 550 W. Fort St., Boise, Idaho 83702.
Federal Building, Room 376, 1220 S.W. 3rd St., Portland, Oregon 97204.
Federal Building, 26th Floor, 915 Second Ave., Seattle, Washington 98174.

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COMMISSION ON CIVIL RIGHTS

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

Pursuant to 5 U.S.C. 552a(e)(4), the United States Commission on Civil Rights hereby publishes the Systems of Records as currently maintained by the agency. The systems were originally published at pages 40786-40791, Federal Register of September 3, 1975 and were amended at page 45939 of the Federal Register on October 2, 1975, and at page 2695 of the Federal Register on June 30, 1976, at pages 53454-53459 on December 6, 1976; at page 54209 on December 13, 1976. Additional changes not previously published in the Federal Register are itemized below:

The name of the Office of Field Operations has been changed to Regional Office Liaison Unit in System Notices CRC-003, CRC-004, CRC-005, CRC-007 and CRC-009. The name of the Mountain States Regional Office has been changed to Rocky Mountain Regional Office in System Notices CRC-003, CRC-008, and CRC-009. The name of the Office of Information and Publication has been changed to Public Affairs Office in System Notices CRC-005, and CRC-008. Add Northwestern Regional Office, U.S.C.C.R., 915 Second Avenue, Room 2854, Seattle, Washington 98174 to the list in System Notices CRC-003, CRC-008, and CRC-009. In System Notice CRC-009, delete Arizona from Mountain States Regional Office. Add Arizona to the list under the Western Regional Office, and delete Alaska, Idaho, Oregon, and Washington; add Northwestern Regional Office: Alaska, Idaho, Oregon, Washington.

The proposed amendment published at page 54209 of the Federal Register on December 13, 1976, included a change in routine use for System Notice 010 (travel, payroll, time and attendance of Commission staff, consultants, and State Advisory Committee members) of the agency. No comments on the routine use were received and the routine use was adopted. The system was amended as follows:

Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Director, Office of Management, U.S. Commission on Civil Rights, who will forward the request to the General Services Administration for appropriate action. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Director, Office of Management, U.S. Commission on Civil Rights, who will forward the request to the General Services Administration for appropriate action.

Dated: August 25, 1977.

Richard Baca,
General Counsel.

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CRC—001

System name: Appeals, Grievances and Complaints (internal)

System location:

Office of Management
Personnel Office
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W., Room 507
Washington, D.C. 20425

Categories of individuals covered by the system: Applicants for Federal employment, current and former employees, agencies and annuitants who appeal a determination made by the Commission.

Categories of records in the system: This system of records contains information or documents relating to a decision and determination made by the Commission affecting an individual. The records consist of the initial grievance, complaint, or appeal, letters of notices to the individual, records of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, investigative reports, notice of decision and related correspondence, opinions and recommendations.

Authority for maintenance of the system:

42 U.S.C. sec. 1975d(a)
Federal Personnel Regulation (FPM) 293
Federal Personnel Regulation (FPM) 771
Federal Personnel Regulation (FMP) 752

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records and information in the records may be used to respond to a request from a member of Congress regarding the status of an appeal, complaint or grievance; to provide information to the public on the decision of an appeal, complaint or grievance required by the Freedom of Information Act; to respond to a court subpena and/or refer to a district court in connection with a civil suit; to adjudicate an appeal, complaint, or grievance; as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or personnel resources studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate a specific individual for personnel research or other personnel management functions; and to provide information or disclose to a Federal agency, in response to another agency's request, in connection with the hiring or retention of an employee.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—These records are maintained in secured file folders, and index card. Retrievability—These records are indexed by the names of the individuals on whom they are maintained. Safeguards—Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. Retention and Disposal—The records are maintained up to two years and are transferred to the National Personnel Records Center, St. Louis, Missouri. They are destroyed by the Federal Records Center when the records are seven (7) years old.

System manager(s) and address:

Office of Management
Personnel Officer
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the record. They may, however, contact the:

Office of General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W., Room 600
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Individuals to whom the record pertains; agency and/or Commission officials; affidavits or statements from employees; testimony of witnesses; official documents relating to the appeal, grievance, or complaints; and correspondence from specific organizations or persons.

Exemptions: 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.

CRC—002

System name: Applications for Employment

System location:

U.S. Commission on Civil Rights
Office of Management
Personnel Division
1121 Vermont Avenue, N.W., Room 507
Washington, D.C. 20425
Occasionally located on a temporary basis in divisional or regional offices.

Categories of individuals covered by the system: Applicants seeking employment with the U.S. Commission on Civil Rights.

Categories of records in the system: The system comprises S.F. 171's, personal resumes, and in many instances Civil Service Commission examination scores of individuals seeking employment with the Commission on Civil Rights.

Authority for maintenance of the system: 5 U.S.C. secs. 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533, 5723, and Executive Orders 1057 and 11103. 42 U.S.C. 1975d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used to refer applicants to the various offices of the Commission for purposes of consideration for placement in positions for which the applicants have applied and are qualified. The records are available to personnel specialists who review the applicants' qualifications and consider them for appropriate agency vacancies.

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.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—The records are maintained in file folders. Retrievability—In some regional and divisional offices, the records are retrieved by name. In the Personnel Office, the records are recorded by name and grade in a log book. They can also be retrieved, however, by grade classification. Safeguards—Access to these records are restricted to those with appropriate function within the agency. Retention and Disposal—In divisional or regional offices, the records are retained for an indefinite period of time. They are then forwarded to the Personnel Office or discarded. In the Personnel Office, every year the applications are returned to the applicants for update and resubmission if applicants are still interested in employment with the Commission.

System manager(s) and address:

Personnel Officer
Office of Management, Room 507
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
Office of General Counsel, Room 600
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Address inquiries same as Notification, with appeals to the Staff Director.

Record source categories: Information submitted by applicants seeking employment with the Commission.

CRC—003

System name: Complaints

System location:

U.S. Commission on Civil Rights
Office of Federal Civil Rights Enforcement, Complaints Division, Office of General Counsel, and Regional Office Liaison Office.
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Regional Offices:

Central States Regional Office, U.S.C.C.R.
911 Walnut Street
Kansas City, Missouri 64106
Mid-Atlantic Regional Office, U.S.C.C.R.
2120 L Street, N.W. (Room 510)
Washington, D.C. 20037
Midwestern Regional Office, U.S.C.C.R.
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Rocky Mountain Regional Office, U.S.C.C.R.
Executive Tower Inn
1405 Curtis Street, Suite 1700
Denver, Colorado 80202
Northeastern Regional Office, U.S.C.C.R.
26 Federal Plaza (Room 1639)
New York, New York 10007
Southern Regional Office, U.S.C.C.R.
Citizens Trust Bank Building (Room 362)
75 Piedmont Avenue, N.E.
Atlanta, Georgia 30303
Southwestern Regional Office, U.S.C.C.R.
New Moore Building (Room 249)
106 Broadway
San Antonio, Texas 78205
Western Regional Office, U.S.C.C.R.
312 North Spring Street (Room 1015)
Los Angeles, California 90012

Categories of individuals covered by the system: Records are maintained by the name of the person filing the complaint and by the name of the person or organization the complaint is filed against.

Categories of records in the system: The record contains the complaint alleging a denial of equal protection based on race, color, religion, national origin, or sex or in the Administration of Justice and the action taken by the Commission on that complaint.

Authority for maintenance of the system: 42 U.S.C. sec. 1975c(a)(1) and (5)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The record is used to assist in resolving complaints alleging denials of rights based on race, color, religion, national origin, or sex or in the Administration of Justice. Users of the record are the person or persons, groups, corporations or governmental agencies against whom the complaint is made and the Commissioners and Commission staff dealing with the complaint, as well as Federal or State agencies to which complaints may be referred. (Subject to the requirements of 42 U.S.C. sec. 1975a(e).)

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Records are maintained on paper. Retrievability—Records are indexed by subject matter, name of the complaining person or persons and the name of the persons, groups, corporations or governmental agencies against whom the complaint is brought. Retention and Disposal—Records are maintained in file cabinets during the course of the complaint investigation and for a reasonable period of time afterwards until they are retired to the National Archives.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures:

General Counsel

Contesting record procedures:

Staff Director

U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record source categories: Complaints are received from the public; responses are received from those the complaint is filed against; further information is developed by Commission staff during the course of dealing with complaints.

Exemptions: 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.

CRC—004

System name: Commission projects

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Categories of individuals covered by the system: Members of the public from whom the Commission has sought information; individuals active or interested in civil rights issues who have information on project subject areas; public and private individuals with civil rights responsibilities; and Congress persons.

Categories of records in the system: Reports from staff field investigations; interview reports; hearing files; transcripts; letters to and from individuals regarding civil rights; reports and publications prepared by governmental agencies and private groups and individuals concerning civil rights; reports from Commissioners regarding civil rights; communications between the Commission and other governmental agencies and between the Commission and private groups and individuals generated in the course of project investigations; Commission reports and publications.

Project files have been compiled by the following offices: Office of Staff Director; Office of General Counsel; Office of Research, Office of National Civil Rights Issues; Women's Rights Program Unit; Office of Program and Policy Review; Office of Federal Civil Rights Evaluation; Regional Office Liaison Unit.

Authority for maintenance of the system: 42 U.S.C. sec. 1975c

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used to determine what projects the Commission should initiate; records are used as background and supporting material for the conduct of Commission projects; records are used during Commission hearings; records are used as background and supporting material in the preparation of Commission reports and publications. Primary users of these records are Commissioners and staff of the U.S. Commission on Civil Rights in the conduct of projects. The 51 State Advisory Committees to the Commission make use of project records in carrying out their advisory functions. Records are also available, in part, to use by the public upon request under the Freedom of Information Act. (Subject to 42 U.S.C. sec. 1975a(e).)

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Material is maintained in the form of typed paper copy. Retrieveability—System is indexed by project title, subject matter, and by name of person or organization. Retaining—Records are kept in file cabinets during the project and for a reasonable time thereafter, and are retired to the National Archives when the records no longer serve a continuing use.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Members of the public, Commissioners, State Advisory Committee members, and Commission staff.

Exemptions: 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.

CRC—005

System name: Information on Commissioners, staff and State Advisory Committee members, past and present.

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425
Office of the Staff Director
Public Affairs Office
Regional Office Liaison Unit
All Regional Offices

Categories of individuals covered by the system: Commissioners who are appointed by the President and confirmed by members of the Senate; State Advisory Committee members appointed by the Commissioners, and information on past Commissioners and advisory committee members. Limited information is kept on former employees in this system; also limited information is included on potential State Advisory Committee members.

Categories of records in the system: Contains rosters of Commissioners, State Advisory Committee members and staff; biographical information, and correspondence between the individual Commissioners, Advisory Committee members and staff. Staff lists reflect position and grade level.

Authority for maintenance of the system: 42 U.S.C. sec. 1975; and sec. 1975d(a) and (c)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information (names, rosters) is maintained for distribution to the public, and for mailing Commission materials and publications. Rosters containing names of employees, position and grade level are used to review staffing patterns, personnel practices, hirings and separations. Biographical data on advisory committee members is reviewed by the Commissioners and staff in selecting, reappointing or rechartering State Advisory Committees. Biographical data on the Commissioners is also made available to the public.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Information is stored in file folders. Retrievability—Information is retrieved by subject matter, i.e., Commissioners, a named State Advisory Committee, or staff, and then by individual name. Safeguards—Information is contained in unlocked file drawers with access limited to staff who manage or assist in activities relating to the categories of individuals covered. Retention and Disposal—Information is kept in files during current tenure of Commissioners, Advisory Committee members, and staff. Upon resignation or change of membership files are retained for 2-3 years and then retired to the National Archives.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W., Room 502A
Washington, D.C. 20425
For State Advisory Committee files:
Director, Regional Office Liaison Unit, OSD
U.S. Commission on Civil Rights
Regional Office Liaison Unit
1121 Vermont Avenue, N.W., Room 500
Washington, D.C. 20425
Director
Public Affairs Unit
1121 Vermont Ave., N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above for notification with appeals to the Staff Director.

Record source categories: Individual to whom the record pertains; personnel office and some members of the general public.

CRC—006

System name: Other Employee Programs: Equal Employment Opportunity, Troubled Employee and Upward Mobility

System location:

Office of Staff Director
Director of Equal Employment Opportunity
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Categories of individuals covered by the system: Equal Employment Opportunity: all employees of the Commission. Troubled Employee Program: employees with personal problems which detract from job effectiveness (alcoholism, drug abuse, mental stress, etc.). Upward Mobility: clerical employees who are eligible for entry into the program or who are participating in the program.

Categories of records in the system: Equal Employment Opportunity: open and restricted investigative files pertaining to equal employment opportunity complaints and problems. Troubled Employee Program: records are confidential and contain data regarding employees enrolled in the program, what assistance or counselling is received, and related information. Upward Mobility: records of enrollment in training or educational programs, class progress and grades, as well as promotions or advancements within the Commission.

Authority for maintenance of the system: Executive Order 11478; 42 U.S.C. sec. 1975d(a) and Federal Personnel Regulations, Chapter 293, 42 U.S.C. sec. 2000e

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Equal Employment Opportunity: Used by Equal Employment Opportunity director, counsellors, investigators and other agency officials where appropriate to resolve discrimination complaints. After disposition is made of the case, files are reviewed by the Office of General Counsel and where appeals are taken, files are reviewed by hearing officers and Civil Service Board of Appeals and Review. Where court actions are filed, records are reviewed by the courts and attorneys for the parties.

Equal Employment Opportunity records are used to meet Civil Service Commission and Federal employment reporting requirements.

Troubled Employee Program files are used by the Equal Employment Opportunity director and supervisory or management personnel in determining the prognosis, need for counselling, or other action in individual cases.

Upward Mobility files are used to counsel employees and supervisors; to monitor the effectiveness of the program, the training received, on-the-job experience and overall progress of the participants. Records in the Equal Employment Opportunity and Upward Mobility Programs are used to assist the agency in developing its Affirmative Action program.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are maintained in the Office of the Director, Equal Employment Opportunity with access limited to the staff of that office. Investigative files (Equal Employment Opportunity) are retained in secured file cabinets. Troubled Employee files are maintained in locked file cabinets and are unavailable to agency staff (except the Equal Employment Opportunity Director) in their entirety, however extractions are made as necessary for management decisions.

Upward Mobility files are maintained in the same office. The Equal Employment Opportunity director and the Federal Women's Program Coordinator are the primary users of these records with extracts made available to Personnel, supervisors or others within management. Upon completion of the program some of this data may be placed in the Official Personnel Folder.

System manager(s) and address:

Director of Equal Employment Opportunity
Office of Staff Director
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeals to the Staff Director.

Record source categories: The employee in the program, supervisors, management and co-workers. Educational institutions, trainers, medical officials and other third parties dealing with covered employees.

Exemptions: 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.

CRC—007

System name: Personnel Records

System location:

U.S. Commission on Civil Rights
Office of Management
Personnel Division
1121 Vermont Avenue, N.W., Room 507
Washington, D.C. 20425
Office of the Staff Director
Office of Management
Office of Information and Publications
Office of General Counsel
Office of Program and Policy Review
Regional Office Liaison Unit
Office of Research
Office of Federal Civil Rights Evaluation
Office of National Civil Rights Issues
All Regional Offices

Categories of individuals covered by the system: Current Commission employees and those formerly employed by the Commission.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed at the Commission. These records contain information about an individual relating to his birth date; Social Security Number; veterans preference; tenure; handicap; past and present salaries, grades, and position titles; letters of commendation, reprimand, charges, and decisions on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training; minority group designator; records relating to life insurance, health benefits, and designation of beneficiary; training; performance ratings, data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

Authority for maintenance of the system: 42 U.S.C. sec. 1975d(a); and Federal Personnel Regulations, Chapter 293

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used by agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual. Records are used to provide information to a prospective employer of a Commission employee or former employee.

These records are used in accordance with Civil Service Commission notices of Systems of Personnel Records including as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Records are maintained in file folders, in file cabinets with access limited to those persons whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure. Retention and Disposal—The Official Personnel Folder (OPF) is retained indefinitely. The OPF is sent to the National Personnel Records Center within 30 days of the date of the employee's separation from the Federal service. Some records such as letters of reprimand, indebtedness, and vouchers are maintained for two years or destroyed when an individual resigns, transfers, or is separated from the Federal service.

System manager(s) and address:

Office of Management
Personnel Officer
1121 Vermont Avenue, N.W., Room 507
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeals to the Staff Director. Former Federal employees who wish to contest their records should direct such a request in writing to:

Director
Bureau of Manpower Information Systems
U.S. Civil Service Commission
1900 E Street, N.W.
Washington, D.C. 20415

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he/she supplied, except information provided by agency officials.

CRC—008

System name: Resource and Consultant

System location:

U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425
Office of Staff Director, Room 800
Women's Rights Program Unit, Room 503
Office of General Counsel, Room 600
Public Affairs Unit, Room 700 All Regional Offices:
Central States Regional Office, U.S.C.C.R.
911 Walnut Street
Kansas City, Missouri 64106
Mid-Atlantic Regional Office, U.S.C.C.R.
2120 L Street, N.W., Room 510
Washington, D.C. 20037
Midwestern Regional Office, U.S.C.C.R.
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Rocky Mountain Regional Office, U.S.C.C.R.
Executive Tower Inn
1405 Curtis Street, Suite 1700
Denver, Colorado 80202
Northeastern Regional Office, U.S.C.C.R.
26 Federal Plaza, Room 1639
New York, New York 10007
Southern Regional Office, U.S.C.C.R.
Citizens Trust Bank Building, Room 362
75 Piedmont Avenue, N.E.
Atlanta, Georgia 30303
Southwestern Regional Office, U.S.C.C.R.
New Moore Building, Room 249
106 Broadway
San Antonio, Texas 78205
Western Regional Office, U.S.C.C.R.
312 North Spring Street, Room 1015
Los Angeles, California 90012
Northwestern Regional Office, U.S.C.C.R.
Federal Building
915 Second Avenue, Room 2852
Seattle, Washington 98174

Categories of individuals covered by the system: Individuals with expertise and experience in civil rights matters; consultants, conference participants, appointees to Federal employment, boards of directors, state advisory committees, contractors, and other organizations.

Categories of records in the system: This system contains resumes, biographical sketches, mailing lists, rosters, sone some employment data and interview reports, newspaper clippings, magazine articles, and miscellaneous information about individuals.

Authority for maintenance of the system: 42 U.S.C. sec. 1975d(a) and (c), and sec. 1975c(a)(4)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is referred to other Commission offices upon request for use in recruitment of employees, for use in obtaining information on persons interested in serving on advisory committees, or providing potential resource or consultant assistance to the agency. Data is shared with non-agency requesters where individuals have consented or data is of a public nature. Mailing lists and rosters are used for correspondence between the Commissioners, staff, advisory committees and members of the public; also for dissemination of information where appropriate.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the syste : Records are on paper in file folders. Most data are stored strictly by project and subject title. Project directors and division heads are primary personnel using the system. Women's Rights Program Unit: Resumes are filed by name in the Unit's locked file cabinets; access is available to Unit staff and, on occasion, to other Commission supervisory staff and hiring officials. Office of General Counsel and Public Affairs Unit: Data is stored in file cabinets with limited access. These records are kept for an indefinite period of time within the agency and subsequently retired to the National Archives when the project file is inactive.

System manager(s) and address:

Director
Office of Management
U.S. Commission on Civil Rights, Room 502A
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

Office of General Counsel, Room 600
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Biographical information and background information is obtained from the individual; resumes and S.F. 171's are also obtained from the individual. Other information is obtained from newspapers, magazines, and public sources.

CRC—009

System name: State Advisory Committee Project Files

System location:

Regional Office Liaison Unit
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425 Regional Offices:
Central States Regional Office, U.S.C.C.R.
911 Walnut Street
Kansas City, Missouri 64106
Mid-Atlantic Regional Office, U.S.C.C.R.
2120 L Street,N.W., Room 510
Washington, D.C. 20037
Midwestern Regional Office, U.S.C.C.R.
230 South Dearborn Street, 32nd Floor
Chicago, Illinois 60604
Rocky Mountain Regional Office, U.S.C.C.R.
Executive Tower Inn
1405 Curtis Street, Suite 1700
Denver, Colorado 80202
Northeastern Regional Office, U.S.C.C.R.
26 Federal Plaza, Room 1639
New York, New York 10007

Southern Regional Office, U.S.C.C.R.
Citizens Trust Bank Building, Room 362
75 Piedmont Avenue, N.E.
Atlanta, Georgia 30303
Southwestern Regional Office, U.S.C.C.R.
New Moore Building, Room 249
106 Broadway
San Antonio, Texas 78205
Western Regional Office, U.S.C.C.R.
312 North Spring Street, Room 1015
Los Angeles, California 90012
Northwestern Regional Office, U.S.C.C.R.
Federal Building
915 Second Avenue, Room 2852
Seattle, Washington 98174

Categories of individuals covered by the system: Members of the public from whom staff or advisory committee members seek information in connection with a project or their advisory function; individuals active or interested in civil rights issues in their States and local communities; public and private individuals with civil rights responsibilities.

Categories of records in the system: Reports from staff field investigations; interview reports; informal hearings or open meetings files; transcripts; letters to and from individuals regarding civil rights, reports and publications prepared by governmental agencies and private groups and individuals concerning civil rights; reports from State Advisory Committee members concerning civil rights; communications between the State Advisory Committees and State, local and Federal governmental agencies and between the State Advisory Committees and private individuals and groups generated during the course of State Advisory Committee project investigations; Commission reports and investigations. (Subject to the requirements of 42 U.S.C. sec. 1975a(e).)

Project files by the 51 State Advisory Committees have been compiled by the Regional Office Liaison Unit in Washington, D.C. and in the following regional offices:

Central States Regional Office: Iowa; Kansas; Missouri; Nebraska.

Mid-Atlantic Regional Office: Delaware; District of Columbia; Maryland; Pennsylvania; Virginia; West Virginia.

Midwestern Regional Office: Illinois; Indiana; Michigan; Minnesota; Ohio: Wisconsin.

Rocky Mountain Regional Office: Colorado; Montana; North Dakota; South Dakota; Utah; Wyoming.

Northeastern Regional Office: Connecticut; Maine; Massachusetts; New Hampshire; New Jersey; New York; Rhode Island; Vermont.

Southern Regional Office: Alabama; Florida; Georgia; Kentucky; Mississippi; North Carolina; South Carolina; Tennessee.

Southwestern Regional Office: Arkansas; Louisiana; Oklahoma; Texas; New Mexico.

Western Regional Office: Arizona; California; Hawaii; Nevada.

Northwestern Regional Office: Alaska; Idaho; Oregon; Washington.

Authority for maintenance of the system: 42 U.S.C. sec. 1975d(c)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records ard used to determine what projects State Advisory Committees should initiate and as background and spporting material for the conduct of State Advisory Committee projects; records are used by State Advisory Committees as background and supporting material for the preparation of State Advisory Committee reports and recommendations to the U.S. Commission on Civil Rights. Primary users of these records are State Advisory Committee members and Commission staff assisting State Advisory Committees in the conduct of projects. State Advisory Committee records are available, in part, to the public upon request under the Freedom of Information Act. (Subject to 42 U.S.C. sec. 1975a(e).)

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are stored on paper. Retrievability—records are indexed by project title, subject matter and within these categories by name of individuals and organization. Retention—records are maintained by the Regional Office Liaison Unit in the headquarters office in Washington, D.C. and in the regional offices.

System manager(s) and address:

Director
Regional Office Liaison Unit
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Members of the public, State Advisory Committee members, Commissioners and Commission staff.

Exemptions: 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 of obtain necessary information, to fulfill comitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources.

CRC—010

System name: Travel, payroll, time and attendance of Commissioners, staff, consultants, and State Advisory Committee members.

System location:

Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W., Room 502
Washington, D.C. 20425 All divisional offices All regional offices

Categories of individuals covered by the system: Commissioners, staff, consultants, and State Advisory Committee members.

Categories of records in the system: Records consist of manual files containing payroll related information for staff and consultants. Payroll and time and attendance records and information includes many records or information also maintained in the Official Personnel Folder and related files maintained in accordance with Civil Service Commission regulations and of which notice has been given by the Civil Service Commission in its notice of government-wide systems of personnel records. Payroll and related information consists of various forms which discloses on a biweekly, year-to-date, and in some cases, an annual basis, payroll and leave data for staff and consultants relating to rate and amount of pay, leave, and hours worked, and leave balances; tax and retirement deductions; life insurance and health insurance deductions; savings allotments, savings bond and charity deductions.

For all categories of individuals covered, records include mailing addresses and home addresses, travel requests and travel vouchers where appropriate, statements of per diem and expense allowances.

Official travel records for the Commission are maintained by the General Services Administration.

Authority for maintenance of the system: 42 U.S.C. 1975d(a), Federal Personnel Manual and Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Relevant records in this system are referred to the General Services Administration for preparation of payroll; to meet government payroll recordkeeping and reporting requirements; and for retrieving and supplying payroll and leave information as required for agency needs. Travel records or vouchers may be used for purposes of providing reimbursements to covered individuals for travel expenses and/or record ofof official travel. Relevant records in this system may be referred as a routine use, to the Department of Justice or other appropriate Federal agency for investigating or prosecuting any violation of any Federal law or requirement thereunder.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local ju-

risdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Director, Office of Management, U.S. Commission on Civil Rights, who will forward the request to the General Services Administration for appropriate action. The request must include a copy of the applicable statue or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Director, Office of Management, U.S. Commission on Civil Rights, who will forward the request to the General Services Administration for appropriate action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—Maintained in individual folders for each category of individuals covered. Retrievability—Files are maintained in alphabetical order by category and by name. Safeguards—Maintained in areas to which access is controlled by or restricted to Commission management personnel. Retention and Disposal—In accordance with General Services Administration requirements for financial/payroll/travel related records.

System manager(s) and address:

Budget and Finance Officer
Office of Management
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Notification procedure:

Office of General Counsel
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.
Washington, D.C. 20425

Record access procedures: Same as above with appeal to the Staff Director.

Record source categories: Provided by Civil Rights Commission employees and all categories of individuals covered.

[FR Doc.77-27898 Filed 9-22-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

The purpose of this document is to give notice, in accordance with the annual publication requirements of the Privacy Act of 1974 (5 U.S.C. 552a (e) (4)), of the existence and character of the Commission's systems of records established under that Act. The system of records identified in the notice published at 41 FR 37292 (September 2, 1976), as amended by notices published at 41 FR 55220 (December 17, 1976) and 42 FR 9200 February 15, 1977) continue in effect, except that the system of records formerly designated CPSC-17, Upward Mobility Program Training Records, was eliminated (for notice of elimination, see 42 FR 22922, May 5, 1977). In addition, a new system of records, designated CPSC-17, Commissioned Officers Personal Data File, was established by a notice published at 42 FR 30233 (June 13, 1977).

Further, the following changes not previously published in the Federal Register have been made to the Commission's systems of records: (1) the titles of certain system managers and the designations and addresses of certain units of the Commission have been changed to conform to the recent organizational changes within the Commission; and (2) the notification procedure for systems of records pertaining solely to Commission employees has been clarified by designating a single address to which employees should direct inquiries regarding whether a system contains records pertaining to him or herself.

Dated: August 10, 1977.

Richard E. Rapps,
Secretary, Consumer Product Safety Commission.

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CPSC—1

System name: Accident Reports (In-Depth)—CPSC

System location: Consumer Product Safety Commission, Division of Epidemiology, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Victims of Consumer product-related injuries on which specific epidemiologic data is needed in order to analyze and correct product hazards.

Categories of records in the system: This record contains demographic data on an injured person, location of accident, data on injury, product and manufacturer identification, and a narrative description of the accident.

Authority for maintenance of the system: Consumer Product Safety Act, section 5 (15 USC 2054)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used as a compilation of statistical information on product-related injuries to support CPSC staff work in analysing the incidence and severity of product related injuries and to respond to Congressional inquiries and requests for information from private individuals and private and public organizations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Records may be provided to another Federal, State or local agency or authority engaged in activities relating to health, safety or consumer protection in accordance with section 29(e) of the Consumer Product Safety Act, as amended (Pub. L. 92-573, as amended by Pub. L. 94-284, 15 U.S.C. 2078(e)).

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic data bank disk. The original hard copy of the investigation report is maintained by the National Injury Information Clearinghouse, Bureau of Epidemiology in file folders.

Retrievability: Records are retrievable by a coded number which indicates the date of assignment of the investigation, the Commission unit requesting the report, the product involved and a sequential number assigned to the investigation.

Safeguards: Confidentiality of the name of the accident victim and attending physician are guaranteed by the Consumer Product Safety Act, section 25(c), (15 USC 2074(c)) and, therefore, names do not appear in the record and are not used for retrieval.

Retention and disposal: Records are maintained for a period of 10 years subject to change in Commission policy. Disposal is by normal methods.

System manager(s) and address:

Deputy Associate Executive Director, Epidemiology
5401 Westbard Avenue
Washington, D.C. 20207

Systems exempted from certain provisions of the act: This system of records is subject to the specific exemption provided for in 5 USC 552a(k)(4) and is therefore exempt from subsections (c)(3), (d)(2) and (3), (e)(1), (e)(4)(G), (H) and (I) and (f) of section 552a. The data is required to be maintained by 15 USC 2054 and is used solely as statistical records.

CPSC—2

System name: Advisory Committee applications—CPSC

System location: Consumer Product Safety Commission, Office of the Secretary, 1111 18th Street, N.W., Washington, D.C. 20207

Categories of individuals covered by the system: Individuals seeking or nominated for positions on the various Advisory Committees.

Categories of records in the system: This record contains an individual's name, address, personal history and qualifications.

Authority for maintenance of the system: 15 USC 2077, 2079(a) and 2079(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The applications are used to select candidates for filling vacancies on advisory committees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of committee and then by name of applicant.

Safeguards: Records are maintained in file cabinets in a secured area.

Retention and disposal: Records are retained until new applications are solicited, i.e., every 12 months.

System manager(s) and address: Secretary, Consumer Product Safety Commission, Washington, D.C. 20207

Notification procedure:

Consumer Product Safety Commission
Office of the Secretary
1111 18th Street, N.W.
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification

Record source categories: Information is provided by individuals seeking a position on an advisory committee or by a person nominating another for such a position.

CPSC—3

System name: Claims—CPSC

System location: Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees sustaining property damage incident to service; CPSC employees involved in situation where personal injury or property damage results from wrongful or negligent act of employee acting within scope of employment; claimants sustaining injury or property damage due to CPSC employee actions.

Categories of records in the system: This record contains material in the form of accident reports, itemized bills and correspondence with outside activities such as insurors and claimants.

Authority for maintenance of the system: 31 USC 240; 28 USC 2671.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) For litigation in a Federal court when necessary. (b) To provide a chronological and reference file for preparation of reports. (c) To provide necessary data to adjudicate or settle the claim.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of individual claimant.

Safeguards: Records are maintained in combination lock metal file cabinet in a secured area. Access to such area is limited to those persons whose official duties require such access.

Retention and disposal: Records are retained up to six years after case is closed. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure: Present and former employees:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Others:
Consumer Product Safety Commission
Office of the Secretary
1111 18th Street, N.W.
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information is provided by (1) the individual to whom the record pertains (2) the agency and/or Commission official (3) affidavits or statements from employee (4) testimony of witnesses (5) official document relating to claim (6) correspondence from organization or persons involved.

CPSC—4

System name: Consumer Volunteer Roster-CPSC

System location: Consumer Product Safety Commission, Office of the Secretary, 1111 18th Street, N.W., Washington, D.C. 20207

Categories of individuals covered by the system: Consumers who wish to volunteer their services in the development of safety standards as members of development committees.

Categories of records in the system: This record contains consumer's name, address, and qualification for serving in the Standards development process.

Authority for maintenance of the system: Section 7, Consumer Product Safety Act (15 USC 2056)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is made available to organizations developing safety standards for consumer products in order to obtain consumer participation.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on hard copy.

Retrievability: Records are indexed by state and name of consumer.

Safeguards: Records are maintained in secure file cabinets.

Retention and disposal: Records are retained until new set of volunteer's names are solicited by the Commission; e.g., each 12 months.

System manager(s) and address:

Secretary, Consumer Product Safety Commission
1111 18th Street, N.W.
Washington, D.C. 20207

Notification procedure:

Consumer Product Safety Commission
Office of the Secretary
1111 18th Street, N.W.
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information is provided by individuals on whom the record is maintained.

CPSC—5

System name: Employee Biographies—CPSC

System location:

Consumer Product Safety Commission
Office of Media Relations
1111 18th Street, N.W.
Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees who have submitted biographical information

Categories of records in the system: This record contains a brief statement of information relating to educational and professional background and present position and responsibilities within the Commission

Authority for maintenance of the system: Consumer Product Safety Act (15 USC 2051-81)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is furnished to the public media in connection with employee activities and employee participation in conferences, meetings and other functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of employee.

Safeguards: Records are maintained in locked file cabinets in secured areas.

Retention and disposal: Records are maintained until employee terminates employment at agency. Disposal is by normal methods.

System manager(s) and address:

Director, Media Relations
1111 18th Street, N.W.
Washington, D.C. 20207

Notification procedure:

Consumer Product Safety Commission
Associate Executive Director, Administration
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by the employee to whom it pertains.

CPSC—6

System name: Employee Career Development—CPSC

System location: (1) Division of Personnel Management (2) Division of Training. Consumer Product Safety Commission, 5401. Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: CPSC employees who have expressed interest in and made application for extramural training courses, and courses designed exclusively for internal use.

Categories of records in the system: These records contain applications for training in government and non-government facilities; approvals; disapprovals; cancellations and deferrals of course offerings; evaluations of course offerings; records on payment of training bills; statistical reports on training activities; counseling notations pertaining to employees interested in courses.

Authority for maintenance of the system: Executive Order 11348; USC 4103, 4108, 4109, 4110, 4113, 4118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) To obtain enrollment into training course or seminar.

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, 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.

(f) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(g) To provide data for the automated Central Personnel Data File (CPDF).

(h) By the Civil Service Commission for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(i) To any agency of the Federal Government having oversight or review authority with regard to Civil Service Commission activities.

(j) To provide data to update the Federal Automated Career Systems (FACS).

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by names.

Safeguards: Records are located in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

1) Director, Division of Personnel Management,
2) Director, Division of Training
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure: Associate Executive Director, Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from, information he/she supplied, except information provided by agency officials.

CPSC—7

System name: Employee Discrimination Complaint and Investigation File-CPSC

System location: Consumer Product Safety Commission Office of Equal Employment Opportunity and Minority Enterprise (OEEOME) 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Commission employees who have filed complaints of discrimination based on race, color, religion, sex, national origin or age.

Categories of records in the system: This record contains information pertaining to the complainant, the person against whom the complaint is filed and others having a relationship to the complaint.

Authority for maintenance of the system: FPM Part 713

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used for: (1) review by the assigned EEO Investigator (2) review by the Director, OEEOME (3) review by FWP, the coordinator for EEO complaints (4) referral to Office of General Counsel for legal analysis and action.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in hard copy.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked file cabinets in secured areas.

Retention and disposal: Records are retained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, OEEOME
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this file is furnished by supervisors, co-workers and others who are involved in the complaint or have information pertaining thereto.

CPSC—8

System name: Employee Executive Development Program Records—CPSC

System location: Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Commission employees in grade GS-13 and above.

Categories of records in the system: These records contain information relating to the education training; employment history and earnings; appraisals of 1st and 2nd line supervisors; honors, awards or fellowships; military service; birthplace, birthdate, social security number; home address; of applicants for the various executive development programs which are offered on an open Commission competitive basis. Also, records contain panel evaluations and selection rating information on successful and unsuccessful nominees; correspondence to training facilities and employees pertaining to the various executive developmental programs; statistical compilation reports submitted to OMB and CSC covering reporting requirements on CPSC employees.

Authority for maintenance of the system: Executive Order 11348, 5 USC 4103, 4104, 4108, 4109, 4110, 4113, 4118.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(a) To facilitate career development of employees

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(c) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(d) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rules, regulation, or order issued pursuant thereto.

(e) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(f) To provide data for the automated Central Personnel Data file (CPDF).

(g) By the Civil Service Commission for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(h) To any agency of the Federal Government having oversight or review authority with regard to Civil Service Commission activities.

(i) To provide data to update the Federal Automated Career Systems (FACS).

(j) To provide data to the Executive Inventory Files.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by combination of names or subject matter.

Safeguards: Records are located in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records is provided by the individual to whom it applies or is derived from information he/she supplied, except information provided by agency officials.

CPSC—9

System name: Employee Financial Interest Statements—CPSC

System location: Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Current CPSC employees whose duties and responsibilities require the incumbent to exercise judgment in making Government decisions or in taking Government action in regard to (1) contracting or procurement, (2) administering or monitoring grants, (3) standards development, (4) rulemaking, (5) compliance activities or (6) other activities where the decision or action has an economic impact on the interest of any non-Federal enterprise.

Categories of records in the system: These records contain a list of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions; (a) with which CPSC employees, their spouse, minor child(ren) or other member of their immediate household who is of blood relation has a continuing financial interest, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which the employees, their spouse, minor child(ren) or other member of their immediate household who is of blood relation has any financial interest through the ownership of stock, stock options, bonds, securities, or other arrangements including trusts.

These records also contain a list of the employees creditors, other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses and a list of the employees' interest in real property or rights in lands, other than property which he occupies as a personal residence.

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: These records are used as indicated below:

(1) To assist the Chairman or designee in determining if an employee (a) has direct or indirect financial interests that conflict substantially, with his or her responsibilities and duties as a Federal employee or (b) engages in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through his or her employment.

(2) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, state, or local charged with the responsibility of investigating or implementing the statute or rule, regulation or order issued pursuant thereto.

(3) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Records are located in a combination lock GSA approved Security Container. Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal: These records are maintained for five years following employees' separation from the CPSC. Disposal by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: The information contained in these records is provided by the individual to whom the record pertains or is provided by other persons authorized by the individual to whom the record pertains to provide such information.

CPSC—10

System name: Employee Merit Promotion Program—CPSC

System location: Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Applicants, current and former employees.

Categories of records in the system: This system of records contains information or documents relating to promotions subject to the merit promotion plan. The records consist of employment applications and performance appraisals, rating sheets and material placed into the records to support the rating.

Authority for maintenance of the system: FPM Chapter 335

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

(1) To respond to requests from employees regarding the status of the merit promotion case.
(2) To provide information to the Office of Equal Employment Opportunity when an individual files a discrimination complaint.
(3) To respond to a court subpoena and/or refer to a district court in connection with a civil suit.
(4) To adjudicate an appeal, complaint, or grievance.
(5) To effectuate promotion of employees concerned.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained and by Merit Promotion case numbers.

Safeguards: Records are located in a metal file cabinet and access is limited to those persons whose official duties required such access.

Retention and disposal: The records are maintained up to two years after a selection has been made.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Record source categories: Information in this record is provided by:

(1) Individual to whom the record pertains,
(2) Agency and/or Commission officials,
(3) Affidavits or statements from employee,
(4) Official documents relating to appeal, grievance, or complaint
(5) Correspondence from specific organization or persons.

CPSC—11

System name: Employee Motor Vehicle Operators and Accident Report Records-CPSC

System location: Consumer Product Safety Commission Office of Management Services, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Employees of the Commission who (1) hold Government motor vehicle operator's permit and who regularly operate vehicles (2) are involved in automobile accidents.

Categories of records in the system: This record contains data on employees issued a Government motor vehicle operator's permit and reports, correspondence and fiscal documents concerning employees involved in automobile accidents.

Authority for maintenance of the system: Consumer Product Safety Act (15 USC 2051-2081) and 28 USC Chap. 171.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as indicated below:

(1) To identify those CPSC employees authorized to operate Government-owned or Government-leased vehicles.
(2) For litigation in a Federal court when necessary.
(3) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local 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.
(4) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit.
(5) To provide information or disclose to a Federal Agency, in response to its request, in connection with the hiring or retention of an employee, or 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 that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed by card number.

Safeguards: Records are maintained in a secured area.

Retention and disposal: Records on driver's permits are retained for one year after employee is terminated. Records on automobile accidents are retained for two years after accident. Disposal is by normal procedures.

System manager(s) and address:

Director, Office of Management Services
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: The information in this record is furnished by the employee. Information on accidents is furnished by the employee and witnesses to the accident.

CPSC—12

System name: Employee Outside Activity Notice—CPSC

System location: Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: Commission employees carrying on outside activities such as consultative services, practice of law, teaching, etc.

Categories of records in the system: This system of records contains information concerning the employee's position, nature of outside activity, relation of official duties to activity, and method of compensation for outside activity.

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 in these records is used by the Executive Director in making a determination as to whether an employee's outside activity constitutes a real or apparent conflict of interest.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on hard copy.

Retrievability: Records are indexed by employee name.

Safeguards: Records are maintained in locked file cabinets in a secured area.

Retention and disposal: Records are maintained until employee terminates with agency. Disposal is by normal procedures.

System manager(s) and address: Director, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: The information in this record is furnished by the employee to whom it pertains.

CPSC—13

System name: Employee Payroll, Leave and Travel Records—CPSC

System location: Consumer Product Safety Commission, Division of Comptroller, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: All employees of CPSC and non-government personnel acting on official CPSC business in connection with their pay, leave, and travel.

Categories of records in the system: These records contain personal information, such as Social Security number, name, wages paid, deductions, etc., and normal accounting information such as Social Security number, name, amount paid, budget allocation codes, etc.

Authority for maintenance of the system: Budget and Accounting Procedures Act of 1950 (31 USC 1151)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used by the Comptroller Division for verification of payroll data, for reconciliation of associated General Ledger Accounts, and for general support of accounting records.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C 5516, 5517 or 5520.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape, punch card and in hard copy.

Retrievability: Records are indexed by name and social security number.

Safeguards: Records are maintained in a secured area in locked file cabinets, with access limited to employees of Finance Division with bona fide need for the records.

Retention and disposal: Records are maintained for two full years after the end of fiscal year and then, with approval of GAO, forwarded to a Federal Records Center or destroyed by normal procedures.

System manager(s) and address:

Consumer Product Safety Commission
Division of Comptroller
5401 Westbard Avenue
Washington, D.C. 20207

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in these records is furnished by the employee to whom the records pertains or compiled by the relevant agency or organizations from existing records.

CPSC—14

System name: Employee Personal Data File—CPSC

System location: The records are maintained in the Headquarters Unit or Area Office to which the employee is assigned.

Categories of individuals covered by the system: Current CPSC employees and those employed by CPSC during the past 2 years.

Categories of records in the system: This record contains payroll and personnel information including employee number, organization code, type of appointment, tenure (tour of duty), social security number, date of birth, veterans preference, education, security clearance, sex, home phone number, present salary (annual), grade, step (in grade), series, subseries, entry on duty, service computation date, benefits presently deducted from paycheck, date last promotion, date of last periodic step increase, FLSA, Building (or area office) room number, employment phone number, employee name.

Authority for maintenance of the system: FPM, Chapter 292

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

(1) By agency officials for purposes of review in connection with appointments, transfers, promotions, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

(2) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(3) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(4) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, 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.

(5) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement 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, or the issuance of a license, grant or other benefit.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and punched cards.

Retrievability: Records are indexed by any combination of name, birth date, social security number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: The Personal Data Files are retained indefinitely. Disposal is by normal procedures.

System manager(s) and address:

Director of the Headquarters Unit or Area Office maintaining the record.

Notification procedure: Contact the system manager or Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this system of records comes either from the individuals to whom it applies or is derived from his/her official personnel folder.

CPSC—15

System name: Employee Relations Files—CPSC

System location: Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system: Current and former employees of the Consumer Product Safety Commission.

Categories of records in the system: This system of records contains information or documents relating to: (1) disciplinary actions, complaints, grievances, potential adverse actions, and proposals, decisions, or determinations made by management relative to the foregoing; retirement records.

The records consist of the notices to the individuals, records of resolutions of complaints, materials placed into the record to support the decision or determination, affidavits or statements.

Authority for maintenance of the system: 5 USC 1302, 3301, 4308, 5115, 5338, 7151, 7301, 7701, 8347, Executive Orders 9830, 10987, 11222, 11478, 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used: (1) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (2) To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act. (3) To respond to a court subpoena and/or refer to a district court in connection with a civil suit. (4) To adjudicate or resolve an appeal, complaint, or grievance. (5) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions. (6) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (7) To request information from a federal, state or local agency maintaining Civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit. (8) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, or 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 of that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties required such access.

Retention and disposal: The records are maintained up to two years after an employee has left the Consumer Product Safety Commission. Disposal is by normal procedures.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in these records is furnished by: (1) Individual to whom the record pertains (2) Agency and/ or Commission officials (3) Affidavits or statements from employee (4) Testimonies of witnesses (5) Official documents relating to appeal, grievance, or complaints (6) Correspondence from specific organization or persons.

CPSC—16

System name: Employee Upward Mobility Counseling Files—CPSC

System location: Office of Equal Employment Opportunity and Minority Enterprise, 5401 Westbard Avenue, Washington, D.C. 20207

Categories of individuals covered by the system: All persons participating in the Upward Mobility Program.

Categories of records in the system: This record contains information regarding the counseling of employees to assist them in enhancing their career in the Federal system; contains personal data on employees seeking advancement.

Authority for maintenance of the system: FPM Chapter 713

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records in review by the Upward Mobility Counselor and Director, OEEOME, in counseling and placing employees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed by name.

Safeguards: Records are maintained in locked files in a secured area.

Retention and disposal: Records are retained until employee reaches goal. Disposal is by normal procedures.

System manager(s) and address: EEO Specialist, Office of Equal Employment Opportunity, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by the employee to whom it pertains.

CPSC—17

System name: Commissioned Officers Personal Data File—CPSC.

System location: A complete record on every commissioned officer is maintained in the office of the Associate Executive Director for Field Operations, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207. Records concerning the commissioned officer's activities and performance are maintained by the CPSC Area Office to which the individual is assigned.

Categories of individuals covered by the system: State employees commissioned as officers of CPSC.

Categories of records in the system: The system contains documents related to the commissioning of the individual and personal data including name, social security number, date of birth, educational background, employment history, security clearance information, medical information, fingerprints, home address and phone number, duty station, service computation date and benefits information.

Authority for maintenance of the system: Section 29(a)(2), Consumer Product Safety Act (15 U.S.C. 2078(a)(2)); E.O. 10450, sections 8(c), 9(a), 9(b); E.O. 10561.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) By agency officials for purposes of review in connection with appointments, reassignments, and determination of qualifications for reappointment of an individual.

(2) To provide statistical reports to Congress, agencies and the public on characteristics of the Commissioned officer program.

(3) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personal management functions.

(4) To provide information or disclose to a Federal or state agency, in response to its request, in connection with the hiring or retention of of an employee, 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.

(5) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement 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 license, grant, or other benefit.

(6) Disclosure to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and procedures for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are located in lockable metal file cabinets or metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: The records are maintained and disposed of in accordance with Commission records management policies and procedures.

System manager(s) and address: State Programs Coordinator, Office of the Associate Executive Director for Field Operations, 5401 Westbard Avenue, Washington, D.C. 20207.

Notification procedure: Contact the system manager or the director of the Area Office to which the individual is assigned.

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in these records comes either from the individual to whom it pertains or from agency officials, CPSC supervisors, or state officials.

CPSC—18

System name: Job Applicant Files—CPSC

System location: These records are maintained in the offices and bureaus as indicated in the Appendix I.

Categories of individuals covered by the system: Applicants for employment who have forwarded resumes or Standard Form 171's to the Commission.

Categories of records in the system: These records contain personal data and job history in the form of a resume or Standard Form 171.

Categories of records in the system: FPM Chapters 333 and 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these files is reviewed as vacancies occur for the purpose of placement.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in hard copy.

Retrievability: Records are indexed alphabetically by name of applicant within general job categories.

Safeguards: Records are maintained in locked file cabinets.

Retention and disposal: Records are maintained up to two years and disposal is by normal procedures.

System manager(s) and address: Director of Office or bureau maintains the record.

Notification procedure: Present and former employees:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207
Other:
Office of the Secretary
Consumer Product Safety Commission
1111 18th Street, N.W.
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by the person to whom it pertains.

CPSC—19

System name: Labor Management Relations Files—CPSC

System location: Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

Categories of individuals covered by the system: CPSC employees involved in union activity, whether in the capacity of an officer or a rank and file employee utilizing the grievance machinery.

Categories of records in the system: These records contain data relating to (1) employees involved in the maintenance of the labor-management program or (2) employees presenting grievances under the collective bargaining agreement.

Authority for maintenance of the system: Executive Order 11491.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Material in these records are used primarily for reference except in the case of grievances, where information may be essential to prepare for a hearing.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties required such access.

Retention and disposal: The records are maintained up to two years after an employee has left the Consumer Product Safety Commission.

System manager(s) and address:

Director, Division of Personnel Management
Consumer Product Safety Commission
Washington, D.C. 20207

Notification procedure:

Associate Executive Director, Administration
Consumer Product Safety Commission
5401 Westbard Avenue
Washington, D.C. 20207

Record access procedures: Same as notification.

Contesting record procedures: Same as notification.

Record source categories: Information in this record is furnished by:

(1) Individual to whom the record pertains
(2) Agency and/or Commission official
(3) Affidavits or statements from employee
(4) Testimonies of witnesses
(5) Official document relating to grievance
(6) Correspondence from specific organization or persons

APPENDIX I

The following units of the Consumer Product Safety Commission maintain job applicant files as indicated by the Notice of System of Records designated CPSC—18.

Office of Equal Employment Opportunity and Minority Enterprise
5401 Westbard Avenue
Washington, D.C. 20207
Division of Personnel Management
5401 Westbard Avenue
Washington, D.C. 20207
Office of the General Counsel
1111 18th Street, N.W.
Washington, D.C. 20207
Office of Strategic Planning
5401 Westbard Avenue
Washington, D.C. 20207
Office of Program Management
5401 Westbard Avenue
Washington, D.C. 20207
Division of Health Sciences
5401 Westbard Avenue
Washington, D.C. 20207
Division of Economics
5401 Westbard Avenue
Washington, D.C. 20207
Office of Communications
5401 Westbard Avenue
Washington, D.C. 20207
Area Offices:
Atlanta Area Office
1330 West Peachtree Street, N.W.
Atlanta, Georgia 30309
Boston Area Office
100 Summer Street, 16th Fl. Rm. 1607
Boston, Mass. 02110
Chicago Area Office
230 S. Dearborn Street, Room 2945
Chicago, Illinois 60604
Cleveland Area Office
Plaza Nine Building, Room 520
55 Erie View Plaza
Cleveland, Ohio 44114
Dallas Area Office
Room 410C, 500 South Ervay
Dallas, Texas 75201
Denver Area Office
Suite 938, Guarranty Bank Bldg.
817 17th Street
Denver, Colorado 90202
Kansas City Area Office
Suite 1500, Traders National Bank Bldg.
1125 Grand Avenue
Kansas City, Missouri 64206
Minneapolis Area Office
Room 650 Federal Bldg.
Fort Snelling
Twin Cities, Minnesota 55111
New York Area Office
6 World Trade Center
Vesey Street, 6th Floor
New York, N.Y. 10048
Philadelphia Area Office
10th Floor, 400 Market Street
Philadelphia, Pa. 19106
San Francisco Area Office
Suite 500, 100 Pine Street
San Francisco, Calif. 94111

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FEDERAL DEPOSIT INSURANCE CORPORATION

[26887]

PRIVACY ACT OF 1974 [1]

Systems of Records; Annual Publication

Pursuant to the requirements of the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), 88 Stat. 1896, 1899–1900, the Federal Deposit Insurance Corporation ("FDIC") published, on October 6, 1975, final notice of thirteen systems of records maintained by the FDIC (40 FR 46288). On December 3, 1975, the FDIC published notice of one additional system of records, thereby increasing its total number of systems to fourteen (40 FR 56479).

Since that time, the FDIC has discovered various needed changes in its systems of records. Therefore, on April 12, 1977, notice was published in the Federal Register (42 FR 19209) by the FDIC proposing to adopt two new systems of records, to withdraw one existing system of records, to adopt new routine uses for existing systems of records, and to revise the format of some existing systems of records. Interested parties were given the opportunity to submit, not later than May 12, 1977, data, views, and recommendations regarding the proposed notices. No unfavorable comments were received.

The FDIC's changes and amendments are numerous and, therefore, to avoid a piecemeal approach that may be confusing to the public, the FDIC is republishing its entire systems of records. Although no substantive changes have occurred to many of the systems, the format and wording have been revised in many instances. These changes are intended to clarify and more accurately reflect the information pertaining to the various systems.

Besides structural changes to the existing systems, the FDIC has found that one system, the "Employee Confidential Statements of Employment and Financial Interests," is encompassed by the Civil Service Commission's published notice of its systems of records (See 41 FR 42158). In order to avoid duplication and the resulting confusion to the public, this system is, therefore, being withdrawn from the FDIC's published notice of systems of records.

The FDIC also is publishing two new systems of records. The first new system is the "Medical Records and Emergency Contact Information System." This system was inadvertently overlooked when the FDIC originally published its systems of records. The system contains information compiled in the course of an FDIC employee's visit to the nurse's station of the Health Unit for medical aid. The information contained in this system is accessed only by the nurse and her substitute, and is maintained in order to aid the nurse in prescribing medical treatment.

The second system is titled the "Municipal Securities Principals and Representatives System." For many years participants in the offer and sale of municipal securities were exempted from regulation under the securities laws. In 1975, Congress changed this with the addition of a new Section 15B of the Securities Exchange Act of 1934 (15 U.S.C. 786-4). The amendments established a Municipal Securities Rulemaking Board ("MSRB"), and vested it with authority to promulgate rules for the municipal securities industry. However, the MSRB does not have authority to enforce its rules. This authority is distributed among several agencies, and the FDIC is responsible for enforcing compliance by insured State-chartered banks that are not members of the Federal Reserve System, and any subsidiaries, departments or divisions thereof, which are municipal securities dealers. 15 U.S.C. 78r. Under the amendments to the Securities Exchange Act, the MSRB is directed to promulgate rules regarding persons associated with municipal securities dealers as either municipal securities principals or representatives. Pursuant to this directive, the MSRB requires each municipal securities dealer to obtain certain background information on the individuals who are currently, or are seeking to be, associated with the dealer. The FDIC proposes to require each dealer, which is under FDIC supervision, to file with the FDIC a form explaining the background information for each person associated with the dealer as a municipal securities principal or representative. The "Municipal Securities Principals and Representatives System" will be the result of the data collection. In addition to using this system for its own enforcement, the FDIC, along with the Comptroller of the Currency and the Board of Governors for the Federal Reserve System for their respectively supervised dealers, would forward the information to the National Association of Securities Dealers ("NASD") for computer processing. The NASD currently maintains data on personnel in the securities industry, and it is expected that portions of disciplinary and qualification data supplied by the bank regulatory agencies will be interfaced with the existing NASD securities personnel data bank. Under this arrangement, the FDIC would have access to disciplinary, qualification and employment information on individuals who have moved between banking institutions or between banking institutions and general securities firms or nonbank municipal securities dealers. Access to such information would assist the FDIC in determining if a person is qualified to act as a municipal securities principal or representative. The FDIC also would provide a municipal securities dealer, for which the FDIC is the appropriate regulatory agency, with any disqualifying information contained in the system about a person seeking to be associated with the dealer as a principal or representative.

In addition to these new systems, there are two new routine uses for information contained in certain of the existing FDIC systems of records. The first of these will allow disclosure to the Civil Service Commission of personnel related records necessary to fulfill its program management responsibilities. In order to permit this disclosure, it is necessary for the Corporation to amend the routine use of each of its personnel related systems to provide for transmission to the Commission of personnel information necessary for its governmentwide studies of personnel management. The second new use will allow disclosure to a Congressional office in response to any inquiry from that office regarding the individual initiating that inquiry. This routine use is in order to assure that the Corporation's notices do not have the effect of denying individuals the benefit of Congressional assistance which they may request. It will be permitted only where the individual has initiated the inquiry in question.

A few technical corrections have been made to the systems of records as proposed on April 12, 1977. These proposed systems, with the corrections, are adopted as set forth below and are effective August 31, 1977.

By Order of the Board of Directors, June 27, 1977.

Alan R. Miller,
Executive Secretary.

[SEAL]

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30—64—0001 Attorney-Legal Intern Applicant System. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(b), to the extent it contains information provided by confidential sources.)
30—64—0002 Bank, and Proposed Bank Irregularity Record System. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(a), to the extent it contains material compiled for law enforcement purposes.)
30—64—0003 Board of Directors' Actions System.
30—64—0004 Changes in Bank Control Ownership Records.
30—64—0005 Consumer Complaint and Inquiry Records.
30—64—0006 (Reserved)
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30—64—0008 (Reserved)
30—64—0009 Examiner Training and Education Records. (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(c).)
30—64—0010 Graduate Fellowship Applications.
30—64—0011 Legal Compliance and Enforcement Records (This system is subject to exemption pursuant to 12 CFR Sec. 310.13(a), to the extent it contains material compiled for law enforcement purposes.)
30—64—0012 Payroll and Employee Financial Records.
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30—64—0014 Travel Voucher System.
30—64—0015 Unofficial Personnel System.
30—64—0016 Municipal Securities Principals and Representatives System.
30—64—0017 Medical Records and Emergency Contact Information System.

30—64—0001

System name: Attorney—Legal Intern Applicant System—FDIC.

System location: Office of the General Counsel, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Applicants for the position of attorney or legal intern with the General Counsel's office of the FDIC.

[1] This document was published on August 31, 1977 (42 FR 43948). It is being republished at this time, along with the Privacy Act Rules and Regulations of the Federal Deposit Insurance Corporation, as part of the 1977 Privacy Act Compilation.

Categories of records in the system: Contains correspondence from the applicants and individuals whose names were provided by the applicants as references, applicants' resumes, application forms, and, in some instances, comments of individuals who interviewed applicants.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of information may be made: (1) in requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (3) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Indexed by name.

Safeguards: Maintained in locked metal file cabinets.

Retention and disposal: Records of unsuccessful applicants are retained two years after their submission; records of successful applicants are retained four years after the successful applicant leaves the employ of FDIC.

System manager(s) and address: General Counsel, Legal Division, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the applicants, references supplied by the applicants, current and/or former employers of the applicants, and FDIC employees who interviewed the applicants.

Systems exempted from certain provisions of the act: Pursuant to section 310.13(b) of the FDIC's Rules and Regulations, investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment may be withheld from disclosure to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Corporation under a promise of confidentiality.

30—64—0002

System name: Bank and Proposed Bank Irregularity Record System—FDIC.

System location: Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Directors, officers and employees of FDIC insured banks who have been involved in reported irregularities. Directors and officers of noninsured banks and organizers of proposed banks which have applied for Federal deposit insurance and who have been involved in reported irregularities. Customers of FDIC insured banks, and other individuals, who have been involved in reported irregularities at such banks. In addition, the system may contain information on individuals who have been the subject of background checks designed to uncover irregularities bearing on these individuals' fitness to be directors, officers, or employees of the banks or to control its management. These individuals may include the following: directors, officers and employees of FDIC insured banks; directors and officers of uninsured banks and organizers of proposed banks which have applied for Federal deposit insurance; and controlling shareholders of banks endeavoring to gain control over FDIC insured banks.

Categories of records in the system: Contains interagency correspondence, intra-agency memoranda and reports of investigation. May contain newspaper clippings. May contain Federal or State criminal law enforcement agency investigatory and/or arrest and conviction reports.

Authority for maintenance of the system: Secs. 5, 6, 9, 18 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1815, 1816, 1819, 1828, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) In the event that information contained in this system 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 may be referred to the appropriate agency, whether Federal or State, 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) In the event of litigation, the appropriate records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (4) Disclosure may be made to the bank affected by a discovered irregularity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on file cards and in file folders.

Retrievability: Indexed by name.

Safeguards: Indexed cards and file folders are maintained in lockable metal cabinets.

Retention and disposal: Permanent retention with periodic review of contents of record and destruction, by shredder, of excess or outdated information.

System manager(s) and address: Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquiries must provide the full name of the inquirer. All inquiries must include a notarized statement attesting to the identity of the inquirer.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: FDIC insured banks and applicants for Federal deposit insurance; Federal and State banking supervisory authorities; Newspapers; Federal and State criminal law enforcement and prosecutorial agencies.

Systems exempted from certain provisions of the act: Pursuant to section 310.13(a) of the FDIC's Rules and Regulations, investigatory material compiled for law enforcement purposes, concerning irregularities involving officers, directors, employees, customers, or other individuals at FDIC insured banks; directors and officers of noninsured banks; or organizers of proposed banks which have applied for Federal deposit insurance, is exempted from the accounting provisions of section 310.10(d)(2) of the FDIC's Rules and Regulations and may be withheld from disclosure to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal, or administrative law enforcement proceedings. Federal criminal law enforcement investigatory reports maintained as part of this system may be the subject of exemptions imposed by the originating agency pursuant to 5 U.S.C. 552a(j)(2).

30—64—0003

System name: Board of Directors' Actions System—FDIC.

System location: Office of the Executive Secretariat, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Individuals who have been subject to administrative actions by the FDIC Board of Directors.

Categories of records in the system: Contains minutes of the FDIC Board of Directors' meetings, intra-agency memoranda, orders of the Board of Directors, and correspondence with the subject individual.

Authority for maintenance of the system: Sec. 2, 8, and 19 of the Federal Deposit Insurance Act of (12 U.S.C. 1812, 1818, 1829); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Card file index and minute ledger.

Retrievability: Card files indexed alphabetically by name.

Safeguards: Card files are stored in lockable metal filing cabinets, minute ledgers are stored in vault.

Retention and disposal: Permanent.

System manager(s) and address: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Same as System manager above.

Record access procedures: Same as System manager above.

Contesting record procedures: Same as System manager above.

Record source categories: Intra-agency records.

Systems exempted from certain provisions of the act: None.

30—64—0004

System name: Changes in Bank Control Ownership Records—FDIC.

System location: Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Individuals who have been involved in the change of bank control or ownership in FDIC insured banks and/or have obtained loans from insured banks, when such loans are secured by 25 percent or more of the outstanding stock of an insured bank.

Categories of records in the system: Contains the name of the individual seller or purchaser of shares of stock, the number of shares of stock involved and outstanding, the name of the bank whose control has changed, the purchase price of the stock, the names of beneficial owners if the shares are registered in another name, the total number of shares owned by the seller, purchaser, or beneficial owner both before and after the transaction. In the case of loans, contains the name and location of the lending bank, the name and address of the borrower, the amount of the loan and the name of the bank issuing the stock securing the loan and the number of shares securing the loan.

Authority for maintenance of the system: Sec. 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) The name of the bank whose control has changed, the seller and purchaser, and the number of shares involved may be distributed to periodicals for publication; (2) In the event that the system of records 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 the system of records may be referred to the appropriate agency, whether Federal or State, 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; (3) In the event of civil, criminal, or administrative law enforcement proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (4) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders and on index cards.

Retrievability: Indexed by name.

Safeguards: Maintained in lockable metal filing cabinets.

Retention and disposal: Permanent retention.

System manager(s) and address: Director, Division of Bank Supervision FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The bank in which control has changed and the bank which makes a loan secured by 25 percent or more of the outstanding voting stock of an insured bank.

Systems exempted from certain provisions of the act: None.

30—64—0005

System name: Consumer Complaint and Inquiry Records—FDIC.

System location: Office of Bank Customer Affairs, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Consumers who have filed complaints or inquiries concerning activities and practices of FDIC insured banks.

Categories of records in the system: Contains consumers names and the nature of their complaints or inquiries. Contains correspondence and records of other communications between the FDIC and the customer, and may contain correspondence between the FDIC and the bank in question and/or Federal or State bank supervisory authorities. May contain copies of supporting documents supplied by the complainant and intra-agency memoranda.

Authority for maintenance of the system: Sec. 202 of Title II of the Federal Trade Improvement Act (15 U.S.C. 57a(f)); Sec. 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Since records are compiled and used for investigation and resolution of consumer inquiries and complaints, disclosure may be necessary to the institution which is the subject of the complaint; (2) Resolution of the complaint or inquiry may also require disclosure limited to the name of the inquirer and the nature of the inquiry, to third party sources during the course of the investigation; (3) Transmittal may be made to the Federal or State supervisory authority that has direct supervision over the financial institution that is the subject of the complaint; (4) In the event that the system of records 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 the system may be referred to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (5) In the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court and/or counsel for purposes of discovery and the development of the proceedings; (6) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders and on computer discs and tapes.

Retrievability: Indexed by name.

Safeguards: Maintained in lockable metal filing cabinets; computer tapes and discs are accessed only by authorized personnel.

Retention and disposal: Records are retained for three years after resolution or answer of the complaint and then correspondence files are destroyed by shredder, computer tapes and discs are erased.

System manager(s) and address: Director, Office of Bank Customer Affairs, FDIC, 650 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the individual on whom the record is maintained; institutions that are the subject of the complaint; the appropriate agency, whether Federal or State, with supervisory authority over the institution; Congressional offices that may initiate the inquiry; and other third party sources mentioned in "Routine use" above.

Systems exempted from certain provisions of the act: None.

30—64—0006 (Reserved)

30—64—0007

System name: Employee Education System—FDIC.

System location: Office of Education, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: All present and former FDIC employees.

Categories of records in the system: Contains the educational history of employees prior to their employment with the FDIC, and educational progression of employees while employed by the FDIC. Information includes employee's schools of attendance, courses completed or enrolled in, dates of attendance, tuition fees and expenses, and may include per diem and travel expenses.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order No. 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to: (1) the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (2) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and computer discs.

Retrievability: File folders—alphabetically by name; computer discs—social security number.

Safeguards: File folders are stored in lockable metal cabinets, computer discs are accessed by only authorized personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: Director, Office of Employee Relations, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the employee on whom the record is maintained and the training institution in which the employee is enrolled.

Systems exempted from certain provisions of the act: None.

30—64—0008 (Reserved)

30—64—0009

System name: Examiner Employment, Training, and Education Records—FDIC.

System location: Division of Bank Supervision Training Center, FDIC, 1701 N. Fort Myer Drive, Arlington, Virginia 22200.

Categories of individuals covered by the system: FDIC assistant examiners who have been candidates for determination of progress to become a commissioned bank examiner (Progress Evaluation Candidates). FDIC examiners who attend, or have attended, graduate schools of banking (Graduate School of Banking Students).

Categories of records in the system: Progress Evaluation Candidates—contains a statement of the candidate's education, home address, date and place of birth, and experience, a Report of Evaluation of a Progress Evaluation Panel, the consolidated findings of each Progress Evaluation Panel member, the candidate's case studies, basic work papers, and responses, and, in the case of an unsuccessful candidate, the candidate's complete work papers and responses, as well as the individual findings of each Progress Evaluation Panel member.

Graduate School of Banking Students—contains the student's name, enrollment data, record of attendance, record of completion or graduation and general correspondence between the FDIC and the student's school of enrollment.

Authority for maintenance of the system: Sec. 10(b) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to: (1) the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (2) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All categories are stored in file folders.

Retrievability: All categories are indexed by name.

Safeguards: All categories are maintained in lockable metal filing cabinets.

Retention and disposal: Progress Evaluation Candidates' records maintained two years for the successful candidate and then destroyed by shredder, records of unsuccessful candidate retained until the candidate's successful completion or until the candidate leaves the FDIC's employ. Graduate School of Banking student records are permanently retained.

System manager(s) and address: Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquirers must provide their full name and identify the category or categories of which they are inquiring.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Progress Evaluation Candidates—the candidate, the candidate's personnel record, and members of the candidate's Progress Evaluation Panel. Graduate School of Banking Students—the student, the student's school, and the student's personnel record.

Systems exempted from certain provisions of the act: Pursuant to section 310.13(c) of the FDIC's Rules and Regulations, testing material used solely to assess individual qualifications for appointment or promotion, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation or examination process, may be withheld from disclosure.

30—64—0010

System name: Graduate Fellowship Applications—FDIC.

System location: Division of Management Systems and Economic Analysis, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Applicants for FDIC fellowships for graduate study in banking, finance and economics.

Categories of records in the system: Contains correspondence from applicants and from individuals whose names were provided by the applicants as references, application forms, applicants' grade transcripts, samples of written work, and, in some instances, comments of individuals who interviewed applicants.

Authority for maintenance of the system: Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure of information on the applicant may be made: (1) in requesting information of individuals or concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (3) to a Congressional office from the record of the individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Indexed by name.

Safeguards: Maintained in metal file cabinets with a combination lock.

Retention and disposal: Supporting documents in applications of unsuccessful applicants are retained until completion of review and then destroyed. Complete files of fellowship winners are retained until the expiration of the fellowship grant periods.

System manager(s) and address: Director, Division of Management Systems and Economic Analysis, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Information is obtained from the applicants, references supplied by the applicants, college documents, current and/or former employers, and FDIC employees who interviewed the applicants.

Systems exempted from certain provisions of the act: None.

30—64—0011

System name: Legal Compliance and Enforcement Records—FDIC.

System location: Office of the General Counsel, FDIC. 550 17th Street, NW., Washington, D.C., 20429.

Categories of individuals covered by the system: Directors or officers of FDIC insured State nonmember banks who have been the subject of an indictment, information or complaint for a felony involving dishonesty or breach of trust. Directors or officers of FDIC insured State nonmember banks who are suspected of committing violations of law, rule or regulation, or of a final cease-and-desist order, or of committing acts, omissions or practices constituting a breach of fiduciary duty. Individuals who have sought FDIC consent to serve as an officer, director, or employee of an FDIC insured State nonmember bank after having been convicted of a crime involving dishonesty or breach of trust.

Categories of records in the system: Contains the indictment, information, or complaint filed against the subject individual, and any court order or resolution of such indictment, information, or complaint. Contains newspaper clippings on subject individuals. Contains affidavits of the subject individual and bank employees. Contains intra-agency memoranda and general correspondence between the FDIC and the subject individual and/or his/her attorney. Contains final administrative orders issued by the FDIC.

Authority for maintenance of the system: Secs. 8 and 19 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1829).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) In the event that the system of records 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 the system may be referred to the appropriate agency, whether Federal or State, 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) In the event of civil, criminal or administrative proceedings, the relevant records may be disclosed to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in a file folder and on computer discs.

Retrievability: Indexed by name.

Safeguards: Maintained in lockable metal filing cabinets in a secured room; computer discs are accessed by only authorized personnel.

Retention and disposal: Permanent retention.

System manager(s) and address: General Counsel, Legal Division, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquirers must provide their full name and the name of the bank with which they were associated. Inquiries must include a notarized statement attesting to the individual's identity.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Information is obtained from the individual on whom the record is maintained, the employer of the individual, newspaper articles, and individuals interviewing during the investigation. Federal and State prosecuting authorities and Federal and State financial institution supervisory authorities are also sources of information.

Systems exempted from certain provisions of the act: Pursuant to section 310.13(a) of the FDIC's Rules and Regulations, investigatory material compiled as a part of this system for law enforcement purposes is exempted from the accounting provision of section 310.10(d)(2) of the FDIC's Rules and Regulations and may be withheld from disclosure, to the extent that such disclosure may interfere with the investigation and preparation of any civil, criminal or administrative law enforcement proceedings.

30—64—0012

System name: Payroll and Employee Financial Records—FDIC.

System location: Accounting and Budget Branch, FDIC, 1709 New York Ave., NW., Washington, D.C. 20429 and the appropriate FDIC Regional Office for employees working out of field offices. (See Appendix A for the location of FDIC Regional Offices).

Categories of individuals covered by the system: All current and former FDIC employees.

Categories of records in the system: Consists of various forms and computer retrievable data which disclose employee: mailing address and home address; rate and amount of pay, leave, and hours worked, and leave balances; life insurnace, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations.

Authority for maintenance of the system: Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819): Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social Security Administration, and, to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds; (2) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (3) Relevant records in this system of records may be referred, as a routine use to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting any violation of law; rule or regulation: (4) In the event of litigation, relevant records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (5) Disclosure may be made to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions; (6) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, record cards and computer discs.

Retrievability: File folders and record cards indexed by name; computer discs are indexed by social security number.

Safeguards: File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by the authorized personnel.

Retention and disposal: Year-end trial balances (the individual earnings record) are retained during the employment and then transferred to the Federal Records Center, where the records are maintained indefinitely. Deduction authorizations and documents used to develop the records are retained for the period of use and up to an additional three years after which they are disposed of by shredding or burning.

System manager(s) and address: Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provisions of the act: None.

30—64—0013

System name: Savings Bond Payroll Deduction Systems—FDIC.

System location: Accounting and Budget Branch, FDIC, 1709 New York Ave., NW., Washington, D.C. 20429.

Categories of individuals covered by the system: All current and former FDIC employees who have authorized payroll deductions for the purchase of United States Savings Bonds.

Categories of records in the system: Consists of the name and address of the employee; the amount of the employee's salary to be

withheld; the denomination of bond to be purchased; the series of the bond; the owner's name, address and social security number; the designated co-owner or beneficiary, and their social security number.

Authority for maintenance of the system: section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 28, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to: (1) the United States Treasury Department for the preparation of savings bonds; (2) to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its government-wide personnel management function; (3) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, index cards, and computer discs.

Retrievability: File folders and record cards are indexed by name; computer discs are indexed by social security number.

Safeguards: File folders and record cards are stored in lockable metal cabinets; computer discs are accessed only by authorized personnel.

Retention and disposal: Records are retained for two years and then destroyed.

System manager(s) and address: Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provisions of the act: None.

30—64—0014

System name: Travel Voucher System—FDIC.

System location: Accounting and Budget Branch, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: FDIC employees who travel on official business.

Categories of records in the system: Contains records relating to employee's claims for reimbursement of official travel expenses including travel authorizations, advances, and vouchers showing amounts claimed, exceptions taken as a result of audit, advance balances applied, and amounts paid.

Authority for maintenance of the system: Sec. 10(a) of the Federal Deposit Insurance Act (12 U.S.C. 1820(a)); Travel Expense Act of 1949 (5 U.S.C. 5701-5709); Exec. Order 9397, "Numbering System for Federal Accounts Relating to Individual Persons" (Nov. 22, 1943).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) In the event that information contained in this system of records indicates a violation or potential violation of the 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 the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, or State, charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (3) In the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) Disclosure may be made to the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out the government-wide personnel management function; (5) Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders and computer discs.

Retrievability: Files indexed by name; computer discs by social security number.

Safeguards: File folders stored in a lockable room; computer discs are accessed by only authorized personnel

Retention and disposal: Records are maintained for seven years, then file folders are shredded and computers discs are erased.

System manager(s) and address: Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550, 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The information is obtained from the employee on whom the record is maintained.

Systems exempted from certain provisions of the act: None.

30—64—0015

System name: Unofficial Personnel System— FDIC.

System location: Personnel Branch, FDIC, 1709 New York Avenue, NW., Washington, D.C. 20429. In addition records are maintained at the Division or Office levels in the FDIC Washington Office and at the FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

Categories of individuals covered by the system: All current and former FDIC employees.

Categories of records in the system: This system consists of personnel-related records that are maintained in addition to those kept in the Official Personnel folder pursuant to the Federal Personnel Manual Suppl. 296-31, Table 8, Sec. 1. (The records contained in the Official Personnel Folder are covered, with regard to the Privacy Act of 1974, by the Civil Service Commission's published "General Personnel Records," C.S.C./Gov.-3, notice.) This system contains records of various types. They are: (1) records maintained in the Washington and regional offices which may contain information on individuals relating to: birthday; Social Security Number; past and present salaries, grades, and position titles; home address and telephone number; emergency contacts, addresses and telephone numbers; employment history; original applications, resume, and letters of reference; statement of bank loans and stock ownership; record of equipment and material issued to the individual; record of leave and time-and-attendance; written notes or memoranda on employee performance; counseling; and data documenting reasons for personnel actions, decisions, or recommendations made about an employee; (2) parking permit records containing information (name, address, and type of automobile) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington Office garage; (3) American Red Cross blood donor records containing information including donors name, Social Security Number, date of birth, age, sex, home address and phone number, whether the donation was accepted, and whether the Red Cross would recruit the donor again for blood; (4) FDIC personnel awards including information supporting the employee's nomination for one of these awards; (5) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and Social Security Number; and (6) employee locator records containing the employee's name, Social Security Number, Division or Office assignment, office telephone number and office room number.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. Sec. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: With regard to category (1) above, the records are primarily maintained to be used by the employee's supervisor for preparation of general personnel action; however, in the case of categories (1), (2), and (4) disclosure may be made, where relevant:

(a) to financial and credit institutions for loan and credit reference purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade);

(b) to the Civil Service Commission in the event of any grievance procedures;

(c) to the Civil Service Commission concerning pay, benefits, retirement, deductions, and other information necessary for the Commission to carry out its government-wide personnel management functions;

(d) in the levent of litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery;

(e) to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of the individual;

(f) to State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation;

(g) to Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location of FDIC bank examiners.

In the case of category (3) above, disclosure may be to the American Red Cross from the information contained in the blood donor records. Disclosure may be made, in the case of category (5) above, to the dental insurance carrier in support of a claim for dental insurance benefits. In category (6) above, except for the employee's Social Security Number, all information in the record is available to the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on file cards and in file folders. Category (6) is maintained on computer discs.

Retrievability: Indexed alphabetically by name.

Safeguards: Maintained in lockable metal cabinets.

Retention and disposal: Records are destroyed when no longer relevant to the purpose for which they were compiled and maintained. Generally, records are destroyed when the employee no longer works in the Division or Office which compiled and maintained the information. Parking permit records are kept for one year and then destroyed. American Red Cross blood donor records are kept for four years and then destroyed.

System manager(s) and address: Director, Office of Employee Relations, FDIC, 550 17th Street, NW., Washington, D.C. 20429, for Corporation level records. For FDIC Division or Office levels, the Head of the appropriate Division or Office; for FDIC Regional Offices, the Regional Director. (See Appendix A for the location of FDIC Regional Offices); For Parking Permit Records and Employee Locator Records, the Controller, Office of the Controller, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Individuals to whom the records pertain; their immediate supervisors or persons at other supervisory levels; other fellow employees.

Systems exempted from certain provisions of the act: None.

30—64—0016

System name: Municipal Securities Principals and Representative System—FDIC.

System location: Operations Branch, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Records stored in computerized files are maintained off premises on a contract basis with the National Association of Securities Dealers, 1735 L Street, NW., Washington, D.C. 20036.

Categories of individuals covered by the system: Persons who are or seek to be a municipal securities principals or municipal securities representatives associated with municipal securities dealers which are FDIC insured State banks, not members of the Federal Reserve System, or are a subsidiary, a department, or a division of such bank.

Categories of records in the system: These records may contain identifying information as well as educational, employment, and disciplinary information, if any, and, where applicable, information regarding termination of employment of individuals covered by the system. Identifying information includes name, addresses, date and place of birth, and may include social security account number.

Authority for maintenance of the system: Sections 15B, 23 and 32(a) of the Securities Exchange Act of 1934, as amended (15 U.S.C. Sec. 78), and Section 2 of the Federal Reports Act of 1942 (44 U.S.C. Sec. 3501).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used: (1) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate governmental authority, whether Federal, State, local, or foreign, or a self-regulatory organization, as defined in Section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. Sec. 78c(a)(26)); (2) To refer, in the event of litigation, whether civil, criminal, or regulatory in nature, to the appropriate court, magistrate, or administrative law judge as evidence, or to counsel for the presentation of evidence and/or in the course of discovery; (3) To assist in any proceeding in which the Federal securities or banking laws are in issue or a proceeding involving the propriety of a disclosure of information contained in the information, in which the FDIC or one of its past or present employees is a party; (4) To disclose to a Federal, State, local, or foreign governmental authority or a self-regulatory organization if necessary in order to obtain information relevant to a Federal Deposit Insurance Corporation inquiry concerning a person who is or seeks to be associated with a municipal securities dealer described in Categories of individuals covered by the system as as municipal securities principal or representative; (5) To respond to a request from a Federal, State, local, or foreign government authority or a self-regulatory organization for information in connection with the issuance of a license or other benefit to the extent that such information is relevant and necessary; (6) To disclose to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual; (7) To disclose to a registered dealer, a registered broker or a registered municipal securities dealer that is a past or present employer of an individual that is the subject of a record, or to which such individual has applied for employment, for purposes of identity verification or for purposes of investigating the qualifications of the subject individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on computer discs.

Retrievability: Indexed by name.

Safeguards: File folders are stored in locked metal cabinets and computer discs are accessed only by authorized personnel.

Retention and disposal: Permanent retention with periodic review of contents of record and destruction of excess and dated information.

System manager(s) and address: Director, Division of Bank Supervision, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429. Inquirers must provide the full name, date, and place of birth of the inquirer. Inquirers may be required to include a notarized statement attesting to identity.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: Individuals on whom the records are maintained as well as municipal securities dealers described in Categories of individuals covered by the system and Federal, State, local, and foreign governmental authorities and self-regulatory agencies which regulate the securities industry.

Systems exempted from certain provisions of the act: None.

30—64—0017

System name: Medical Records and Emergency Contact Information System—FDIC.

System location: Health Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Categories of individuals covered by the system: Medical records of the employee, including the date of visit to the Health Unit, the diagnosis, and the treatment administered. Attached to this record is a separate sheet containing the name and telephone number of the person to contact in the event of an emergency involving the employee.

Authority for maintenance of the system: Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. Sec. 1819); Sec. 506 of the Federal Records Act of 1950 (44 U.S.C. Sec. 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: No disclosure (including intra-agency disclosure) of information contained in the medical files is made without the prior written consent of the employee concerned. In the event of an emergency, the emergency contact would be notified.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On 8" x 10" cards with a separate emergency contact sheet attached to it.

Retrievability: Indexed alphabetically by name.

Safeguards: Kept in lockable metal cabinets in the nurse's office of the Health Unit. Only the nurse and substitute nurse are allowed access to the files. The Health Unit is locked whenever the nurse is absent.

Retention and disposal: Kept for the duration of the employee's tenure with the FDIC, and for 5 years thereafter, then destroyed.

System manager(s) and address: Director, Office of Employee Relations, 550 17th Street, NW., Washington, D.C. 20429.

Notification procedure: Executive Secretary, Records Unit, FDIC, 550 17th Street, NW., Washington, D.C. 20429.

Record access procedures: Same as "Notification" above.

Contesting record procedures: Same as "Notification" above.

Record source categories: The medical records are compiled by the employee and the nurse during the course of visits to the Health Unit for treatment. The information on the emergency contact sheet is supplied by the employee.

Systems exempted from certain provisions of the act: None.

APPENDIX A

FEDERAL DEPOSIT INSURANCE CORPORATION REGIONAL OFFICES

Atlanta Regional Office, FDIC
2 Peachtree Street, NW.
Suite 3030
Atlanta, Georgia 30303

Boston Regional Office, FDIC
2 Center Plaza, Room 810
Boston, Massachusetts 02108

Chicago Regional Office, FDIC
Sears Tower, 233 S. Wacker Dr.
Suite 6116
Chicago, Illinois 60606

Columbus Regional Office, FDIC
37 West Broad Street
Suite 600
Columbus, Ohio 43215

Dallas Regional Office, FDIC
300 North Ervay Street
Suite 3300
Dallas, Texas 75201

Madison Regional Office, FDIC
1st Wisconsin Plaza
1 South Pinckney St.
8th Floor
Madison, Wisconsin 53703

Memphis Regional Office, FDIC
165 Madison Avenue
Suite 1010
Memphis, Tennessee 38103

Minneapolis Regional Office, FDIC
730 Second Avenue, South
Suite 266
Minneapolis, Minnesota 55402

New York Regional Office, FDIC
345 Park Avenue
21st Floor
New York, New York 10022

Omaha Regional Office, FDIC
1700 Farnam Street
Suite 1200
Omaha, Nebraska 68102

Philadelphia Regional Office, FDIC
5 Penn Center Plaza
Suite 2901
Philadelphia, Pennsylvania 19103

Richmond Regional Office, FDIC
906 E. Main Street
Suite 435
Richmond, Virginia 23219

St. Louis Regional Office, FDIC
720 Olive Street
Suite 2909
St. Louis, Missouri 63101

San Francisco Regional Office, FDIC
44 Montgomery Street
Suite 2600
San Francisco, California 94104

[FR Doc.77-18830 Filed 8-30-77;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

In accordance with Section 552a(e)(4) of the Privacy Act of 1974, the National Capital Planning Commission hereby publishes a systems of records currently maintained by the Commission. No changes have occurred since the last completed publication on February 8, 1977 (42 F.R., page 8028).

Daniel H. Shear,
Secretary.

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Appendix

NCPC—1

System name: Commission Members and Alternates—NCPC.

System location: National Capital Planning Commission, 1325 G Street, NW., Washington, D.C. 20576.

Categories of individuals covered by the system: Past and present Commission Members and Alternates.

Categories of records in the system: Biographical information and information on the official Commission actions taken by a Commissioner or Alternate.

Authority for maintenance of the system: National Capital Planning Act of 1952, as amended (40 U.S.C. 71a(c)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix; also to assist in preparation of public relations materials and in responding to requests for biographical information from the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Name.

Safeguards: Stored in guarded building in locked files; released only pursuant to Freedom of Information Act or as needed in press releases.

Retention and disposal: Permanent, no disposal.

System manager(s) and address:

Associate Secretary
National Capital Planning Commission
1325 G Street, NW.
Washington, D.C. 20576

Notification procedure: Same as above.

Record access procedures: Generally by submitting written request to the System Manager. A copy of the Commission's Privacy Act procedures will be sent upon request.

Contesting record procedures: Generally by submitting written request to the System Manager. A copy of the Commission's Privacy Act procedures will be sent upon request.

Record source categories: Individuals on whom records are maintained, press.

NCPC—2

System name: Mailing Lists—NCPC.

System location: National Capital Planning Commission, 1325 G Street, NW., Washington, D.C. 20576.

Categories of individuals covered by the system: Federal, State, and local government officials, neighborhood groups, and private citizens in the National Capital Region.

Categories of records in the system: Names and addresses of individuals and, where applicable, the organization, group, institution represented by the individual.

Authority for maintenance of the system: The National Capital Planning Act of 1952, as amended (40 U.S.C. 71a(c)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix; also to provide information on Commission policy, procedures and meeting agendas to interested parties and persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Name.

Safeguards: Stored in guarded building in locked files; released only to authorized personnel such as clerical staff preparing mailings to those on the list.

Retention and disposal: At direction of those on list.

System manager(s) and address:

Associate Secretary
National Capital Planning Commission
1325 G Street, NW.
Washington, D.C. 20576

Notification procedure: Same as above.

Record access procedures: Generally by submitting written request to the System Manager. A copy of the Commission's Privacy Act procedures will be sent upon request.

Contesting record procedures: Generally by submitting written request to the System Manager. A copy of the Commission's Privacy Act procedures will be sent upon request.

Record source categories: Individuals on whom records are maintained.

NCPC—3

System name: Payroll Records—NCPC.

System location: General Services Administration, Region 3, 7th and D Streets, SW., Washington, D.C. 20407; copies held by Commission. (GSA holds records for the Commission under Memorandum of Agreement).

Categories of individuals covered by the system: Commission employees.

Categories of records in the system: Varied payroll records including time and attendance cards, payment vouchers, comprehensive listings of employees, health benefits and Government life insurance records, requests for deductions, tax forms, W-2 forms, leave data, retirement records, notification of personnel actions.

Authority for maintenance of the system: Title 31, U.S.C. generally.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Preparation of salary checks and maintenance of leave records; records are also released to GAO for audits, to the IRS for investigations, to the Civil Service Commission (CSC) concerning pay, benefits, retirement deductions and other information necessary for the CSC to carry out its Government-wide personnel management functions. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Routine uses of records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction of the Assistant Executive Director (Administration), National Capital Planning Commission, 1325 G Street, NW., Washington, D.C. 20576. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Executive Director (Administration).

In the absence of a withholding agreement, the social security number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the social security number, in accordance with Section 7 of the Privacy Act, Public Law 93-579.

Also see appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Name and Social Security Number.

Safeguards: Stored in guarded building in locked files; released only to authorized personnel such as staff in the Commission's Administrative Office responsible for maintaining time and attendance records.

Retention and disposal: In accordance with the GSA General Records Schedule 2 and the GAO Manual for Guidance of Federal Agencies.

System manager(s) and address:

Assistant Executive Director (Administration)
National Capital Planning Commission
1325 G Street, NW.
Washington, D.C. 20576

Notification procedure: Same as above.

Record access procedures: Generally by submitting written request to the System Manager. A copy of the Commission's Privacy Act procedures will be sent upon request.

Contesting record procedures: Generally by submitting written request to the System Manager. A copy of the Commission's Privacy Act procedures will be sent upon request.

Record source categories: Individuals on whom records are maintained.

Appendix: NCPC

In the event that a system of records maintained by this agency 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 the 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 violations or charged with enforcing or implemening the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaing civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed 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, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system or records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evalutation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed as a "routine use" to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.77-27900 Filed 9-22-77;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

Pursuant to 5 U.S.C. 552a(e)(4), the National Credit Union Administration hereby publishes the systems of records as currently maintained by the Agency. The systems were last published at pages 44982 through 44990 of the October 13, 1976, edition of the Federal Register. Ten more systems were proposed at pages 9731 through 9735 of the February 17, 1977, issue of the Federal Register, with a 30 day comment period.

The October 13, 1976, publication is herein revised by adoption of the February 17, 1977, proposal (upon which no public comments were received), and by adding an appendix suggested by the General Services Administration to cover as routine uses transfers of records from the National Credit Union Administration to GSA. Editorial changes were also made to clarify certain sections, but none of these alterations are substantive so as to require a comment period.

Accordingly, the National Credit Union Administration's October 13, 1976, "Notice of Existence and Character of Systems of Records", as revised by the February 17, 1977, proposal, is adopted, effective immediately including the above stated alterations.

August 17, 1977.

C. Austin Montgomery,
Administrator.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

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(2) Federal Employee Security Investigations Containing Adverse Information, NCUA. (This system is subject to Subsection (K)(5) to the extent it contains information provided by confidential sources.)
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(27) Emergency Information (Employee) File, NCUA.
(28) Employee Training/Career Development Inventory, NCUA.
(29) NCUA Executive Management Development System, NCUA.
(30) Consumer Inquiry Records and data, NCUA.

NCUA-1

System name: Equal Employment Opportunity Grievance and Discrimination Complaint Records, NCUA.

System location: National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA personnel who have filed a grievance or formal complaint of discrimination under the Equal Employment Opportunity Act.

Categories of records in the system: Reports made by supervisors, EEO counselors; formal letters advising of receipt of discrimination complaint/grievance; notices of final agency decision; formal requests to and responses from CSC for complaints examiner.

Authority for maintenance of the system: Executive Order N. 11478, Aug. 8, 1969, 34 F.R. 12985.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Formal or informal settlement of discrimination complaints/grievances. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained in the form of paper hard copy. Retrievability—system is indexed by name. Safeguards—records are maintained in locked file cabinet, accessible only to the Security Officer and his designated assistants. Retention and disposal—in accordance with GSA regulations, the complaint file is retained seven years, duplicates or copies are retained one year and background information not needed in the complaint file is disposed of or returned to the originator after three years.

System manager(s) and address: Security Officer
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual who has filed grievance/complaint, supervisors of individual, EEO counselors.

NCUA-2

System name: Federal Employee Security Investigations Containing Adverse Information, NCUA.

System location: National Credit Union Administration
2025 M Street, NW.
Room 3202
Washington, DC 20456

Categories of individuals covered by the system: NCUA employees on whom a routine CSC security investigation has been conducted, the results of which contain adverse information.

Categories of records in the system: May consist of police records and/or information on moral character, integrity or loyalty to the United States.

Authority for maintenance of the system: Records maintained pursuant to Civil Service Commission requirements. Separate notice is published because these records are maintained separately to provide extraordinary safeguards against unwarranted access and disclosures.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are reviewed by the NCUA Security Officer, and if determined to be of substantive nature, they are forwarded to the Administrator, NCUA, for whatever action, if any, is deemed necessary. Referral of relevant infor-

mation in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment or security clearance investigation, or to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law, rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—paper hard copy. Retrievability—system is indexed by name. Safeguards—records maintained in a locked safe accessible only to the Security Officer and his designated assistants. Records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—once disposition, if any, has been made, a record is maintained until the individual whom it concerns has left the employ of NCUA, whereupon it is either returned to the originating agency or destroyed.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Bureau of Personnel Investigations

Civil Service Commission
Federal Bureau of Investigations

Systems exempted from certain provisions of the act: In addition to any exemption to which this system is subjected by Notices published by or regulations promulgated by the Civil Service Commission, the system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosures would reveal a source who furnished information under an express promise of confidentiality, or, prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-3

System name: Intergovernmental Personnel Act Records, NCUA.

System location: Division of Training

National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC 20456

Categories of individuals covered by the system: Participants in Intergovernmental Personnel Act Conferences and Mobility Assignments.

Categories of records in the system: Required Civil Service Commission Report.

Authority for maintenance of the system: 5 U.S.C. 4101, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To carry out joint Federal-State programs, and make reporting internally and to the Civil Service Commission. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—records are stored in file cabinets in secured offices of the Division of Training. Retention and disposal—records are purged annually for those employees no longer participating in the program.

System manager(s) and address: Director, Division of Training

National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, supervisors of the individual and Civil Service Commission.

NCUA-4

System name: Investigative Reports Involving Possible Felonies and/or Violations of Federal Credit Union Act.

System location: National Credit Union Administration

2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Credit union employees who have misused or are suspected of having misused their trust in the credit union, and who have subsequently been investigated or prosecuted. Also, records may be maintained concerning credit union members involved or suspected of involvement in felonies or infractions under the Federal Credit Union Act, and records are maintained on robberies, burglaries and other crimes against credit unions. Information in this system only rarely includes names or other identities for suspected perpetrators.

Categories of records in the system: Investigative reports relating to possible felonies and violations of the Federal Credit Union Act (embezzlements, improper allocation of credit union funds, etc.).

Authority for maintenance of the system: 12 U.S.C. 1766, 1789.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine if any action should be taken. Referral of information in this system may be made, as a routine use, to any appropriate agency or official in the course of an employment or security clearance investigation, to any appropriate agency or official in the course of collection of an outstanding claim, to any appropriate agency, official, court, magistrate, or administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are maintained on paper hard copy. Retrievability—system is indexed by credit union name. Safeguards—records are maintained in a separate locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—after records have served the operational needs of NCUA and after disposition of the subject matter of the records, they are returned to the originating agency or destroyed.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Room 3202
Washington, DC 20456

Notification procedure: Same as above, subject to exemption discussed below.

Record access procedures: Same as above, subject to exemption discussed below.

Contesting record procedures: Same as above, subject to exemption discussed below.

Record source categories: Federal Bureau of Investigation, investigative branches of the three armed services of the Department of Defense.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

NCUA-5

System name: Acquired Assets and Share Payouts Records System, NCUA.

System location: Office of Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions

Categories of records in the system: Share and account balances, personal data regarding income and debts, payment history.

Authority for maintenance of the system: 12 U.S.C. 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data used for payment of insurance claims to shareholders in liquidating federally-insured credit unions, for use in the collection of outstanding loans, which may include, inter alia, referral of information to the General Accounting Officer or the Department of Justice, and generally for all purposes necessary to wind up the affairs of the closed credit union and carry out all appropriate liquidation related functions of NCUA, including referral of necessary information to facilitate a purchase of its assets by NCUA or sale to a third party, before or after such purchase, referral of noncredit information to outside address locaters, and referral of information to a surety company in pursuit of a fidelity bond claim. Referral of information in this system may also be made, as a routine use, to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—information is initially compiled on data conversion sheets prepared by NCUA examiners acting as on-site liquidators. That data is stored on computer tape, from which loan registers may be prepared and furnished to NCUA regional offices or prospective purchasers of the assets of closed credit unions. In addition to data stored on computer tape, data conversion sheets, loan registers, essential share and loan documents and members' filed claim forms are maintained on paper hard copy. Copies of share and loan documents, incoming payments and loan portfolios may also be maintained on microfilm copy. Retrievability—indexed by name of member and closed insured credit union. Safeguards—records are maintained in secured offices of the National Credit Union Administration's Division of Financial Management. Retention and disposal—information is disposed of after ten years retention.

System manager(s) and address: Assistant Administrator for Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above. Written inquiries should include name of inquirer, name of closed insured credit union of which inquirer was a member, and share and loan account numbers, if known, in addition to any requirements set by 12 CFR Part 720, Subpart B.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, outside address locaters and share and loan account files of the liquidating credit union of which the individual was a member.

NCUA-6

System name: Member Account Records of Federally Insured Credit Unions

Closed for Involuntary Liquidation, NCUA.

System location: Records within this system of records are located at one of the National Credit Union Administration Regional Offices as indicated below for a period of time necessary to answer inquiries of credit union members and transfer share and loan records and information to NCUA's Division of Financial Management, Washington, DC, or an outside purchaser. After such time, the remaining records are transferred for storage to one of twelve General Services Administration records storage centers.

I. NCUA Region I Regional Office State Street South Building, Room 3E 1776 Heritage Drive Boston, Massachusetts 02171 Phone: (617) 223-6807

If the main office of the federally-insured credit union being liquidated is in Connecticut, Maine, Massachusetts, New Hampshire, New York, Puerto Rico, Rhode Island, Virgin Islands, Vermont, the records will be at the above address before being transferred to a GSA storage center, NCUA's Loan Management System, or an outside purchaser.

II. NCUA Region II Regional Office
Federal Building
228 Walnut St., Box 926
Harrisburg, Pennsylvania 17108
Phone: (717) 782-4595

If the main office of the federally-insured credit union being liquidated is in District of Columbia, Delaware, Maryland, New Jersey, Pennsylvania, the records will be at the above address before being transferred to a GSA storage center, NCUA's Loan Management System, or an outside purchaser.

III. NCUA Region III Regional Office
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309
Phone: (404) 526-3127

If the main office of the federally-insured credit union being liquidated is in Alabama, Panama Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia, South Carolina, West Virginia, the records will be at the above address before being transferred to a GSA storage center, NCUA's Loan Management System, or an outside purchaser.

IV. NCUA Region IV Regional Office
New Federal Building
234 N. Summit St., Room 704
Toledo, Ohio 43604
Phone: (419) 259-7511

If the main office of the federally-insured credit union being liquidated is in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, Wisconsin, the records will be at the above address before being transferred to a GSA storage center, NCUA's Loan Management System, or an outside purchaser.

V. NCUA Region V Regional Office
515 Congress Avenue
Suite 1400
Austin, Texas 78701
Phone: (512) 397-5131

If the main office of the federally-insured credit union being liquidated is in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, Utah, Wyoming, the records will be at the above address before being transferred to a GSA storage center, NCUA's Loan Management System, or an outside purchaser.

VI. NCUA Region VI Regional Office
Two Embarcadero Center
Suite 1830
San Francisco, California 94111
Phone: (415) 556-6277

If the main office of the federally-insured credit union being liquidated is in Alaska, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Arizona, the records will be at the above address before being transferred to a GSA storage center, NCUA's Loan Management System, or an outside purchaser.

Categories of individuals covered by the system: Records in this system of records are maintained only on those individuals who were members of a federally-insured credit union closed for liquidation and for which the Administrator, NCUA, served as liquidating agent pursuant to 12 U.S.C. 1787. Records in this system are subject to the provisions of the Privacy Act only upon completion of the liquidation of a closed federally-insured credit union and cancellation of the charter thereof. Prior to such time, records of a closed insured credit union which are held by the Administrator, NCUA, only in his capacity as liquidating agent for the closed credit union are not 'agency records' within the meaning of the Privacy Act, and thus the provisions of the Act have no applicability. Prior to charter cancellation, however, records or information may be transmitted from this system into another NCUA system of records, such as NCUA System 5—Acquired Assets and Share Payouts Records System, and in such a case, the records as contained in the second system will be considered agency records to the extent that they are maintained for purpose other than attributable to functions of the liquidating agent (e.g., for share insurance payout purposes, collection of purchased assets, etc.).

Categories of records in the system: Information concerning an individual's membership in and share and loan transactions with the credit union which has been closed for liquidation, membership card, individual share and loan ledgers, and promissory notes and extension agreements, if any. As further explained above, in the 'Categories of individuals. . .' portion of this descriptive system notice, records of a closed insured credit union are generally sub-

ject to the provisions of the Privacy Act only upon completion of the liquidation of the credit union and cancellation of the charter thereof.

Authority for maintenance of the system: Sections 120(b) and 207 of the Federal Credit Union Act (12 U.S.C. 1766(b), 1787).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Actions necessary to close out the affairs of liquidating federally-insured credit unions, including (i) referral of information to credit union members, the NCUA Loan Management System, and any purchasers, or prospective purchasers, of the closed credit union's assets, (ii) referral of information to the credit union's surety in pursuit of fidelity bond claims, (iii) referral of relevant information to any appropriate agency or official in the course of collection of a claim of the United States, and (iv) referral of relevant information to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of enforcement of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. While it is the Administrator of the National Credit Union Administration's full intent to comply with the spirit of the Privacy Act with regard to records maintained within this described system, it should again be noted that the provisions of the Privacy Act of 1974, including a limitation of routine uses to those described herein, do not technically apply to the records until they become 'agency' records, i.e., until such time as they are transferred to another system within NCUA or at such time as they revert to NCUA upon cancellation of the charter of a closed credit union.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records on individual credit union members in this system of records are maintained on member account documents as compiled by individual credit unions prior to entering liquidation. These documents may include, but are not necessarily limited to, membership cards, individual share and loan ledgers, notes, security documents and extension agreements. Retrievability—member records are generally ordered or indexed by member name or account number. Safeguards—records within this system of records are maintained under the control of a designated agent for the liquidating agent who makes only such disclosures from the records as are necessary or requisite to enable the Administrator, NCUA, to carry out his responsibilities under the Federal Credit Union Act, 12 U.S.C. 1751, . Retention and disposal—the records are maintained in a National Credit Union Administration Regional Office as indicated under the Location section of this notice, for a period necessary to answer inquiries of credit union members and transfer appropriate share and loan information to the NCUA Loan Management System, Washington, DC. After such time the records are transferred for permanent storage to one of twelve General Services Administration records storage centers.

System manager(s) and address: The system managers for this system of records are the six National Credit Union Administration Regional Directors located at the business addresses set forth in the Location section of this notice.

Notification procedure: If an individual wants to find out whether the records of a closed credit union within this system include records pertaining to him/her, s/he should write to the Regional Director whose jurisdiction includes the state where the main office of the closed credit union was located (see addresses in "System location" section). The inquiry should contain the name of the inquirer, the name of the closed credit union, the inquirer's credit union account number (if known), a description of the records sought, the approximate dates covered by the records sought, the approximate dates covered by the record, and the name of the system of records.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The sole sources of the information in this system of records are the member-related files and accounting records of federally-insured credit unions which have been closed for liquidation and for which the Administrator, NCUA, or his designee, serves as liquidating agent.

NCUA-7

System name: Minority Group Designator System (MGD), NCUA.

System location: Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Employees of NCUA.

Categories of records in the system: Statistical Employment Information on all NCUA employees by race, national origin and gender based on visual identification.

Authority for maintenance of the system: 5 U.S.C. 4101, et seq., 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Minority identification is used for composite statistical purposes only. Reports are produced for use of NCUA (Affirmative Action Plan, Internal Evaluations) or Civil Service Commission, Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are in the form of computer printouts (Mag tapes). Retrievability—information from computer runs can be obtained in various forms, e.g., in alphabetical order by name, or by employee number or type. Safeguards—data processing facility is located in the Information Systems Division of the Office of Fiscal Affairs. The data for the MGD system is coded, and access to the code is limited to a small number of people: regional office managers, EEO Directors, and the Division of Personnel (one DOP staff member). Retention and disposal—minority identification information is immediately erased from the computer once the individual leaves the employ of NCUA.

System manager(s) and address: Director, Equal Employment Opportunity
National Credit Union Administration
2025 M Street, NW
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Visual identification is made by Division of Personnel official in the central office and by office managers in the regions.

NCUA-8

System name: New Examiner Training Files, NCUA.

System location: National Credit Union Administration
Division of Training
1111 18th Street, NW.
Room 400
Washington, DC 20456

Categories of individuals covered by the system: NCUA examiners—entry level to one year on staff.

Categories of records in the system: Biweekly training reports, training progress reports, on-job trainers' evaluations of classroom training, trainees' evaluations of training program.

Authority for maintenance of the system: 5 U.S.C. 4101, .

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine retention or termination after 23 weeks on job. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—by employee name. Safeguards—maintained in metal file cabinets in secured offices of Division of Training. Retention and disposal—records are purged annually for those employees no longer participating in the program.

System manager(s) and address: Director, Division of Training
National Credit Union Administration
1111 18th Street, NW.
Room 400
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, on-job trainers, supervisors, Civil Service Commission.

NCUA-9

System name: Payroll Records System, NCUA.

System location: Office of Fiscal Affairs

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456
General Services Administration
Region VI
Kansas City, Missouri

Categories of individuals covered by the system: Employees of NCUA.

Categories of records in the system: Salary and related payroll data, including time and attendance information.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To insure proper compensation to all NCUA employees and to formulate financial reports and plans used within the agency or sent to the General Services Administration. Also, to document time worked and provide a record of attendance to support payment of salaries, use of annual and sick leave and nonpayed leave. Users of the time and attendance information include the employee's supervisor, the office's timekeeper, the supervisor, the payroll officer and the GSA Payroll Processing Branch in Kansas City, Missouri. Further, information in this system is used to make reportings to state and local taxing authorities. Finally, disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—computer tape, paper hard copy, microfilm. Retrievability—by name or social security number. Safeguards—maintained in secured offices, access by written authorization only. Retention and disposal—in accordance with GSA policy.

System manager(s) and address: Primary ;

Payroll Officer
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456
Secondary ;
Timekeepers
National Credit Union Administration
Central Office and
Regional Offices

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual whom the record concerns, Civil Service Commission, General Services Administration. Also, time and attendance information is prepared by the timekeeper in a given employee's office.

NCUA-10

System name: Promotion Qualification Ranking List of Career NCUA

Examiners, by Pay Grade, NCUA.

System location: Office of Personnel

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA employees at the level of GS-12 and above.

Categories of records in the system: List of names,in promotion priority order, and rating sheets.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is only used within the agency. Users may include the Administrator, NCUA, and all Assistant Administrators and Regional Directors. Information is used in selecting designees to fill vacancies in NCUA's professional staff. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—paper hard copy. Retrievability—alphabetical or by promotion priority. Safeguards—maintained in secured office. Access by authorized users only. Retention and disposal—List is updated annually or as directed by the Administrator, NCUA. Superseded list is destroyed.

System manager(s) and address: Assistant Administrator for Management and Planning

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Eavaluation reports, employee personnel files, and Assistant Administrator and Regional Directors comments and recommendations.

NCUA-11

System name: Region I Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region I Regional Office

National Credit Union Administration
State Street South Building
Room 3E
1776 Heritage Drive
Boston, Massachusetts 02171

Categories of individuals covered by the system: NCUA Region 1 Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information, information concerning training, work performance, suggestions, awards, and travel vouchers, and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluations by superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

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 for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability-indexed by name. Safeguards—physical security consists of maintaining records in metal file cabinets within secured of ices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of at least one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region I Regional Office
National Credit Union Administration
State Street South Building
Room 3E

1776 Heritage Drive
Boston, Massachusetts 02171

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual may encounter in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-12

System name: Region II Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region II Regional Office
National Credit Union Administration
Federal Building
228 Walnut Street, Box 926
Harrisburg, Pennsylvania 17108

Categories of individuals covered by the system: NCUA Region II Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

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 for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager
Region II Regional Office
National Credit Union Administration
Federal Building
228 Walnut Street, Box 926
Harrisburg, Pennsylvania 17108

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-13

System name: Region III Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region III Regional Office
National Credit Union Administration
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

Categories of individuals covered by the system: NCUA Region III Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

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 for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager
Region III Regional Office
National Credit Union Administration
1365 Peachtree Street
Suite 500
Atlanta, Georgia 30309

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-14

System name: Region IV Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region IV Regional Office
National Credit Union Administration
New Federal Building
234 North Summit Street
Room 704
Toledo, Ohio 43604

Categories of individuals covered by the system: NCUA Region IV Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district manage-

ment, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

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 for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region IV Regional Office
National Credit Union Administration
New Federal Building
234 North Summit Street
Room 704
Toledo, Ohio 43604

Notification procedure: Regional Director. Same address as above.

Record access procedures: Rebional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-15

System name: Region V Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region V Regional Office

National Credit Union Administration
515 Congress Avenue
Suite 1400
Austin, Texas 78701

Development files on the examiners are kept by the Supervisory Examiners in their home offices, not in the regional office.

Categories of individuals covered by the system: NCUA Region V Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

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 for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region V Regional Office
National Credit Union Administration
515 Congress Avenue
Suite 1400
Austin, Texas 78701

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-16

System name: Region VI Regional Office Staff Development/Correspondence Records, NCUA.

System location: Region VI Regional Office

National Credit Union Administration
Two Embarcadero Center
Suite 1830
San Francisco, California 94111

Categories of individuals covered by the system: NCUA Region VI Employees.

Categories of records in the system: Contains information on NCUA examiners and professional staff related to some or all of the following areas: work performance appraisals, district management, chartering efforts, reactions from FCU officials, personal development plans, copies of personnel records, supply and equipment information and information concerning leave and pay activities. Contains information on NCUA clerical staff related to work performance and development activities, which may include work product samples, memos or notations from professional staff, development plans, evaluation of superiors, personnel records and information concerning pay and leave activity.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

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 for recording time and attendance, controlling equipment inventories, training of staff, evaluations of employees' work performance and general administrative matters. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—maintained on paper hard copy. Retrievability—indexed by name. Safeguards—physical security consists of maintenance of records in metal file cabinets within secured offices. Cabinets may be locked depending on the nature of the information which they contain. Retention and disposal—current and relevant information is maintained generally for a period of one to two years. Obsolete material is maintained in the same file cabinets and periodically destroyed or returned to the originator.

System manager(s) and address: Office Manager

Region VI Regional Office
National Credit Union Administration
Two Embarcadero Center
Suite 1830
San Francisco, California 94111

Notification procedure: Regional Director. Same address as above.

Record access procedures: Regional Director. Same address as above.

Contesting record procedures: Regional Director. Same address as above.

Record source categories: Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials and other persons whom the individual encounters in the course of work performance. Ultimate sources of payroll and personnel related information may include the General Services Administration and the Civil Service Commission.

NCUA-17

System name: Security Clearance of Records Concerning NCUA Personnel

Who Occupy Critical Sensitive Positions.

System location: Office of Management and Planning

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: NCUA personnel who occupy critical sensitive positions in the Agency, including the Security Officer and his designated assistants.

Categories of records in the system: Background investigations on individuals to determine appropriateness for security clearance. Information consists chiefly of records of interviews conducted by Civil Service Commission and Federal Bureau of Investigation officials with parties acquainted with the individual under investigation. Questions are geared to character, integrity and loyalty to the United States.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine appropriateness for security clearance. Information may be referred to any appropriate agency or official in the course of an employment of security clearance investigation or to any appropriate agency, official, court, magistrate, administrative tribunal or opposing party in the course of investigation or prosecution of a violation or alleged or potential violation of any civil or criminal law or rule, regulation or order, or in the course of implementation of the law, rule, regulation or order. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are in the form of paper hard copy. Retrievability—system is indexed by name. Safeguards—records are maintained in a separate, locked room accessible only to the Security Officer and his designated assistants. The records are further secured in a locked safe accessible only to the Security Officer and his designated assistants. Retention and disposal—records are maintained until the individual leaves the employ of NCUA, whereupon they are returned to the originating agency.

System manager(s) and address: Security Officer

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Federal Bureau of Investigation, Bureau of Personnel Investigation (Civil Service Commission), Central Intelligence Agency.

Systems exempted from certain provisions of the act: This system is subjected to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or, prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA-18

System name: Trusteed Account Records System, NCUA.

System location: Division of Financial Management

Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: Members of liquidating federally-insured credit unions.

Categories of records in the system: Share balances and last known addresses of individuals by whom or on whose behalf insured share account payout claims have been filed.

Authority for maintenance of the system: 12 U.S.C. 1787.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used to ensure proper payment of all trusteed account funds. Signature cards and account records are also maintained on microfiche copy. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are maintained on computer printout forms. Information in the system is also stored on computer tape by a private contractor pursuant to an agreement which provides that the information will remain confidential. Retrievability—by individual name, credit union name or a combination thereof. Safeguards—records are sotred in secured offices. Retention and disposal—records are maintained until processing of claims is completed.

System manager(s) and address: Director, Division of Financial Management

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Files of federally-insured credit unions which are closed for liquidation.

NCUA-19

System name: Verified Employee Mailing List, NCUA.

System location: National Credit Union Administration

2025 M Street, NW.
Washington, DC 20456
Contractor's Address:
Mail America
Bumpy Oak Road
Bryan's Road, Maryland

Categories of individuals covered by the system: NCUA Employees.

Categories of records in the system: Name, address, telephone number, birthday, ethnic and sex codes, GS grade, employee type, employee identification number. Contractor is provided a tape containing all employees' names, addresses, employee numbers, regions and GS grades.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To produce mailing labels and make reportings to the EEO Director and other NCUA employees with an official need for a listing of NCUA employees, such as the ranking panel, Assistant Administrators, etc. Also, to generate an NCUA telephone directory for distribution to all NCUA employees. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—computer disc 3330. Retrievability—by employee identification number. Safeguards—SCL decks available only to three persons in Division of Information Systems, and terminal is maintained in a room which is secured by a padlock after hours. Retention and

disposal—information is maintained on active, retired and deceased employees for an indefinite period.

System manager(s) and address: Director, Division of Information Systems

National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: NCUA form 1042 completed for each new employee by personnel staff or Regional Office Manager. Form 1051 completed by same to report changes.

NCUA-20

System name: Travel System, NCUA.

System location: Division of Financial Management

Office of Fiscal Affairs
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Categories of individuals covered by the system: All professional and semi-professional NCUA employees who have performed travel in the course of performing their duty and have been reimbursed for the expense of such travel.

Categories of records in the system: Travel Advance Cards (SF 1038), Travel Vouchers (SF 1012), Reimbursement for COS Expenses (NCUA 1302), Authorization of Moving and Related Travel Expenses for COS (NCUA 1301), Travel Orders (NCUA 1500), Suspension Statements (NCUA 1311).

Authority for maintenance of the system: 5 U.S.C. Chapter 57 (as amended), Executive Order 11609 of July 22, 1971, and Executive Order 11012 of March 27, 1962. 5 U.S.C. 4101, Federal Travel Regulation, FPMR 101-7 Chapter 2, Section 6.3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide documentary support for reimbursements to employees for on-the-job travel expenses. Users of the information—first and second line supervisors, NCUA accounting staff and budgeting staff. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage—records are stored in paper hard copy form. Retrievability—records are retrievable alphabetically by surname. Safeguards—maintained in secured offices. Retention and disposal—records are kept on-site in DFM until the annual GAO audit is completed after which records are sent to a Federal Records Center for storage for a minimum of three years.

System manager(s) and address: Accounting Officer

Division of Financial Management
National Credit Union Administration
2025 M Street, NW.
Washington, DC 20456

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Records are prepared by the individual whom the record concerns.

NCUA-21

System name: Breach of Trust Schedule; Nonfederal Credit Union/Share Insurance Applicants.

System location: Office of Examination and Insurance, Room 3310, National Credit Union Administration, 2025 M Street, NW, Washington, DC 20456.

Categories of individuals covered by the system: Directors, Officers, committee members and employees of nonfederal credit union/applicants for insurance of member accounts by the National Credit Union Share Insurance Fund who have been convicted of a criminal offense involving dishonesty or a breach of trust.

Categories of records in the system: Schedules which have been filed with NCUA Form 9600 (Application for Insurance of Accounts, State Chartered Credit Unions) in response to item 20 of that form and any follow-up correspondence.

Authority for maintenance of the system: 12 U.S.C.A. 1781(c)(1)(C).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The only recurring use is internal, i.e., to consider the soundness of management of nonfederal credit union share insurance applicants. Disclosure may, however, be made to a congressional office in response to an inquiry from the congressional office made at the request of the individual concerned.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper.

Retrievability: By name of credit union combined with name of individual.

Safeguards: Records obtained prior to November 11, 1976, are maintained in the National Credit Union Administration's central credit union filing system, accessible only to authorized NCUA employees. Records obtained on or after November 11, 1976, are maintained in a locked file cabinet under the custody of the system manager.

Retention and disposal: Records are retained indefinitely, as long as the subject credit union retains its NCUSIF-Insured status.

System manager(s) and address: Director, Division of Chartering and Insurance, Office of Examination and Insurance, Room 3310, National Credit Union Administration, 2025 M Street, NW, Washington, D.C. 29456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Nonfederal Credit Union Share Insurance Applicants.

NCUA-22

System name: Adverse Reports of Official; Federal Credit Union Charter Applicants.

System location: Office of Examination and Insurance, Room 3310, National Credit Union Administration, 2025 M Street, NW, Washington, D.C. 20456.

Categories of individuals covered by the system: Prospective Officials of Federal Credit Union Charter applicants who have been convicted of criminal offenses involving dishonesty or breach of trust.

Authority for maintenance of the system: 12 U.S.C.A. 1731(c)(1)(C).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The only recurring use is internal, i.e., to consider the soundness of management of nonfederal credit union share insurance applicants. Disclosures may, however, be made to a congressional office in response to an inquiry from the congressional office made at the request of the individual concerned.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper.

Retrievability: By name of credit union combined with name of individual.

Safeguards: Records obtained prior to November 11, 1976, are maintained in the National Credit Union Administration's central credit union filing system, accessible only to authorized NCUA employees. Records obtained on or after November 11, 1976, are maintained in a locked file cabinet under the custody of the system manager.

Retention and disposal: Records are retained indefinitely, as long as the subject credit union retains its NCUSIF-Insured status.

System manager(s) and address: Director, Division of Chartering and Insurance, Office of Examination and Insurance, Room 3310, National Credit Union Administration, 2025 M Street, NW, Washington, DC 20456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Federal credit union charter applicants.

NCUA-23

System name: Investigative Reports of Violations of the Merit Promotion Program.

System location: Office of Inspection and Audit, 2025 M Street, NW, Washington, DC 20456.

Categories of individuals covered by the system: Employees of the National Credit Union Administration who informally allege violations of the Agency's Merit Promotion Program, and employees repeatedly involved in the alleged violations.

Categories of records in the system: Investigative reports relating to possible violations of the Agency's Merit Promotion Program.

Authority for maintenance of the system: 12 U.S.C.A. 1766(i)(1), 12 U.S.C.A. 1789(a)(7).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. All other uses are intraagency only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports are maintained on paper.

Retrievability: System is indexed by name of complainant.

Safeguards: Records are maintained in locked file cabinet inside a locked room and accessible only to the Assistant Administrator for Inspections and Audit and his designated assistants.

Retention and disposal: After the report is reviewed by the Administrator and has served its intended purpose, it is retained by the Office of Inspection and Audit for one year and transferred for permanent storage with the General Services Administration.

System manager(s) and address: Assistant Administrator for Inspection and Audit, National Credit Union Administration, 2025 M Street, NW, Washington, DC 20456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, supervisors, files maintained by the Director of Personnel and Civil Service Commission.

NCUA-24

System name: Employee Relations File.

System location: National Credit Union Administration, 2025 M Street, NW, Room 3106, Washington, DC 20456.

Categories of individuals covered by the system: Any employee who has had a disciplinary or adverse action taken against him/her. Any employee who has filed a grievance or has appealed an adverse action. Any employee who has received a negative determination on a within grade increase or has been given an unsatisfactory performance rating.

Categories of records in the system: Disciplinary actions, adverse actions, grievances, appeals, reconsiderations on within grade increase denials, material relating to unsatisfactory performance ratings.

Authority for maintenance of the system: Chapter 1, Parts 752, 754, 771 and 772 of Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As documentation for adverse actions and background information for appeal cases. Used by Division of Personnel staff, agency General Counsel's office, Civil Service Commission. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On paper.

Retrievability: Indexed alphabetically by name.

Safeguards: Records are maintained in locked file drawer.

Retention and disposal: Disposed of after employee is separated from agency.

System manager(s) and address: Director, Division of Personnel, National Credit Union Administration, 2025 M Street, NW, Washington, DC 20456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the record is maintained, supervisors of individual, deciding officials within the agency in a position to make an agency decision on an adverse action appeal, Civil Service Commission.

NCUA-25

System name: Employee Injury File.

System location: National Credit Union Administration, 2025 M Street, NW, Room 3106, Washington, D.C. 29456.

Categories of individuals covered by the system: Any employee who has sustained a job-related injury or disease.

Categories of records in the system: Copies of reports made by individual who has sustained a job-related injury or disease. Copies of any further claims made regarding the same injury or disease or any other material required for documenting and adjudicating the claim.

Authority for maintenance of the system: The Federal Employees' Compensation Act as amended (5 U.S.C. 8101, et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide appropriate information to the Department of Labor, when needed for adjudication of a claim. To use for reporting purposes as required by the Department of Labor on a recurring basis. Used by the Division of Personnel staff. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On paper.

Retrievability: Indexed alphabetically by name.

Safeguards: Records are maintained in locked file drawer.

Retention and disposal: Disposed of after one year.

System manager(s) and address: Director, Division of Personnel, National Credit Union Administration, 2025 M Street, NW, Washington, D.C. 20456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, supervisors of individual, individual's physician, hospital attending individual, Department of Labor.

NCUA-26

System name: Retirement File.

System location: National Credit Union Administration, 2025 M Street, NW, Room 3106, Washington, D.C. 20456.

Categories of individuals covered by the system: Any employee who submits an application for retirement.

Categories of records in the system: Copy of individual's application for retirement and any supporting material, i.e., superior officer's statement, physician's report and hospital records. Also contains the CSC decision on disability cases.

Authority for maintenance of the system: Subchapter 831 ot Title 5, Code of Federal Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Retained for the purpose of duplication in the event the original papers are lost before adjudication of the claim. Used by Division of Personnel staff. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On paper.

Retrievability: Indexed alphabetically by name.

Safeguards: Records are maintained in locked file drawer.

Retention and disposal: Disposed of after one year.

System manager(s) and address: Director, Division of Personnel, National Credit Union Administration, 2025 M Street, NW, Washington, D.C. 20456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained, supervisor of individual, individual's physician, hospital attending individual, Civil Service Commission.

NCUA-27

System name: Emergency Information (Employee) File.

System location: National Credit Union Administation, 2025 M Street, NW, Room 3106, Washington, DC 20456.

Categories of individuals covered by the system: NCUA Central Office employees.

Categories of records in the system: Contains personal information on employee, i.e., height, weight, hair color, eye color. Also contains individual to contact in case of emergency situation with the employee.

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: To obtain personal information for employee I.D. cards and to contact relatives of friends in cases of emergency. Used by Division of Personnel staff and others on a need-to-know basis. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On paper.

Retrievability: Indexed alphabetically by name.

Safeguards: Records are maintained in locked file drawer.

Retention and disposal: Disposed of after employee is separated from agency.

System manager(s) and address: Director, Division of Personnel, National Credit Union Administration, 2025 M Street, NW, Washington, DC 20456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom the record is maintained.

NCUA-28

System name: Employees Training/Career Development Inventory.

System location: Division of Training and Career Development, National Credit Union Administration, 1111 18th Street, NW, Room 400, Washington, DC 29456.

Categories of individuals covered by the system: NCUAA employees.

Categories of records in the system: Training requests, reports, appraisals and other documentation.

Authority for maintenance of the system: 12 U.S.C.A. 1766(i)(1), 12 U.S.C.A. 1789(a)(7).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Career Development disclosures may be made to the Civil Service Commission. Other uses are intraagency only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: By employee.

Safeguards: Maintained in locked file cabinets in secured offices.

Retention and disposal: Coterminous with the subject's employment with NCUA.

System manager(s) and address: Director, Divison of Training and Career Development, National Credit Union Administration, 1111 18th Street, NW, Room 400, Washington, DC 20456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained, trainers, supervisors.

NCUA-29

System name: NCUA Executive Management Development System.

System location: Division of Training and Career Development, National Credit Union Administration, 1111 18th Street, NW, Room 400, Washington, DC 20456.

Categories of individuals covered by the system: NCUA personnel selected for the executive management development program.

Categories of records in the system: Training requests, reports, appraisals and other documentation.

Authority for maintenance of the system: 12 U.S.C.A. 1766(i)(1), 12 U.S.C.A. 1789(a)(7).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Career Development related disclosures may be made to the Civil Service Commission. Other uses are intraagency only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper.

Retrievability: By employees.

Safeguards: Maintained in locked file cabinets in secured offices.

Retention and disposal: Coterminous with the subject's employment with NCUA.

System manager(s) and address: Director, Division of Training and Career Development, National Credit Union Administration, 1111 18th Street, NW, Room 400, Washington, DC 20456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual on whom record is maintained, trainers, supervisors.

NCUA-30

System name: Consumer Inquiry Records and Data.

System location: Division of Consumer Affairs, Office of Examination and Insurance, Room 3310, National Credit Union Administration, Washington, DC 20456

Subsidiary: Related information may be maintained in credit union files in NCUA's six regional offices (See, systems NCUA–11 through NCUA–16 for addresses).

Categories of individuals covered by the system: Persons who submit inquiries/complaints concerning Federal credit unions.

Categories of records in the system: Inquiries, complaints, and information on outcome.

Authority for maintenance of the system: 12 U.S.C.A. 1766(i)(1), 12 U.S.C.A. 1789(a)(7), 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information may be disclosed to officials of Federal credit unions in connection with investigation of inquiries and complaints. Relevant referrals may be made to appropriate law enforcement agencies or authorities in connection with investigations and/or prosecution of alleged civil, criminal and administrative violations. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. Disclosures may also be made to the Federal Reserve Board, other Federal financial regulatory agencies, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and regulations. (Such disclosures will be made in a nonidentifiable manner when feasible and appropriate.) Referrals may also be made to other Federal and nonfederal supervisory or regulatory authorities when the subject matter of a complaint or inquiry is more properly within such other agency's jurisdiction. Other disclosures are intraagency only.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, computer tape.

Retrievability: By individual name, account number or system identifier; or by credit union name; or by some combination thereof.

Safeguards: Maintained in secured offices.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director, Division of Consumer Affairs, Office of Examination and Insurance, Room 3310, National Credit Union Administration, Washington, DC 29456.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Inquirer or complainant (or his or her representative, which may include, e.g., a member of congress or an attorney), Federal credit union officials, employees and members, NCUA examiners and central files on Federal credit unions.

APPENDIX—National Credit Union Administration

In the event that a system of records maintained by this agency 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 the 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.

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 an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed 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, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a Federal agency for purposes of audit.

A record from this system of records may be disclosed as a "routine use" to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc.77-27901 Filed 9-22-77;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

In accordance with section 552a(e)(4) of the Privacy Act of 1974, the Pennsylvania Avenue Development Corporation, hereby publishes the systems of records currently maintained by the Corporation. No changes have occurred since the last annual publication on October 26, 1976 (41 FR 47012), revised November 5, 1976 (41 FR 48821).

Dated: August 3, 1977.

John M. Woodbridge,
Executive Director.

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1—General Personnel Files
2—Time and Attendance Records
3—Job Applications
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5—Payroll Records
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PADC—1

System name: General Personnel Files (including Copies of OPF-CSC)-PADC

System location: Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

Categories of individuals covered by the system: Past and present employees of the Corporation; past and present members of Board of Directors; past and present experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: Personnel information, including: position descriptions; performance appraisals; notifications of personnel action; travel records; payroll change slips; employment history; Personal Qualifications Statement (SF-171) and resumes; social security number; biographical sketches; applications for government motor vehicle operator's permits; employee telephone and address listings.

Authority for maintenance of the system: Pennsylvania Avenue Development Corporation Act of 1972, Sec. 6, Pub. L. 92-578, 86 Stat. 1270 (40 U.S.C. 875).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Information is used in-house to complete reports, take personnel action, and fulfill other administrative requirements. Categories of users are Administrative Officer and Administrative Assistant and Supervisors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders.

Retrievability: Retrieved manually, by name of individual.

Safeguards: Records are stored in locking metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Records retained indefinitely.

System manager(s) and address: Administrative Officer, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

Notification procedure: Address inquiries to Administrative Officer, at above address. See Corporation regulations on access in 36 CFR 903.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual to whom records pertain; supervisors; official personnel records.

Systems exempted from certain provisions of the act: None

PADC—2

System name: Time and Attendance Records—PADC

System location: Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004

Categories of individuals covered by the system: Past and present Corporation staff members; past and present members of Board of Directors; past and present experts and consultants who are employed on an intermittent or temporary basis.

Categories of records in the system: Records of all actual hours worked; annual leave status; sick leave status; copies of all time and attendance records.

Authority for maintenance of the system: Pennsylvania Avenue Development Corporation Act of 1972, Sec. 6, Pub. L. 92-578, 86 Stat. 1270 (40 U.S.C. 875).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records are used to prepare payroll checks and to maintain records of leave. Routine user is General Services Administration; records are also released to General Accounting Office for auditing and to Internal Revenue Service for investigation purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Current records in system maintained in two loose-leaf notebooks; previous year records maintained in file storage.

Retrievability: Retrieved manually, by name of individual.

Safeguards: Data are maintained in secured premises.

Retention and disposal: Records retained indefinitely.

System manager(s) and address: Administrative Officer, Pennsylvania Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

Notification procedure: Address inquiries to Administrative Officer, at above address. See Corporation Regulations on access in 36 CFR 903.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual to whom records pertain; timekeeper; supervisors.

Systems exempted from certain provisions of the act: None

PADC—3

System name: Job Applications—PADC

System location: Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

Categories of individuals covered by the system: Individuals who have applied for positions with the Corporation.

Categories of records in the system: Job applications (SF-171) and resumes containing name, address, telephone number, date and place of birth, marital status, employment and educational history, and similar information.

Authority for maintenance of the system: Pennsylvania Avenue Development Corporation Act of 1972, Sec. 6, Pub. L. 92-578, 86 Stat. 1270 (40 U.S.C. 875).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Information is used to evaluate prospective employees of the Corporation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Material stored in file folders.

Retrievability: Retrieved manually, by name of individual.

Safeguards: Records are stored in locking metal file cabinets in secured premises.

Retention and disposal: Records are either returned to applicant or maintained for one year from date of receipt and then destroyed.

System manager(s) and address: Administrative Officer, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

Notification procedure: Address inquiries to Administrative Officer, at above address. See Corporation Regulations on access in 36 CFR 903.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain.

Systems exempted from certain provisions of the act: None

PADC—4

System name: General Accounting Records—PADC

System location: General Services Administration, Central Office; copies held by the Corporation. (GSA holds records for the Corporation under agreement).

Categories of individuals covered by the system: Corporation employees; Member of the Board of Directors; experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: SF-1038, Application and account for advance of funds; SF-1164, Reimbursement Vouchers; SF-1112, Travel Voucher.

Authority for maintenance of the system: 31 U.S.C, generally; also Pennsylvania Avenue Development Corporation Act of 1972, Sec. 5, 6, Pub. L. 92-578, 86 Stat. 1269, 1270, (40 U.S.C. 874, 875)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are released to General Accounting Office for audits; to the Internal Revenue Service for investigation; to the General Services Administration for administrative services; to the Treasury Department for reimbursement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

Notification procedure: Address inquiries to Administrative Officer, at above address. See Corporation Regulations on access in 36 CFR 903.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The subject individual; the Corporation.

Systems exempted from certain provisions of the act: None

PADC—5

System name: Payroll Records—PADC

System location: General Services Administration, Region 3 Office; copies held by the Corporation. (GSA holds records for the Corporation under agreement.)

Categories of individuals covered by the system: Past and present Corporation employees; past and present members of Board of Directors; past and present experts and consultants who have been employed on an intermittent or temporary basis.

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W2 forms; overtime requests; leave data; retirement records. Records are used by the Corporation and GSA employees to maintain adequate payroll information for Corporation employees and otherwise by Corporation and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also Pennsylvania Avenue Development Corporation Act of 1972, Secs. 5, 6, Pub. L. 92-578, 86 Stat. 1269, 1270 (40 U.S.C. 874, 875).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records can be released to the General Accounting Office for audits; to the Internal Revenue Service for investigation; to the General Services Administration for administrative services.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and microfilm.

Retrievability: Social Security Number.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Administrative Officer, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

Notification procedure: Address inquiries to Administrative Officer, at above address. See Corporation Regulations on access in 36 CFR 903.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Individual to whom records pertain; the Corporation, including its timekeeper.

Systems exempted from certain provisions of the act: None

IPADC—6

System name: Equal Employment Opportunity Compliance and Complaint Files—PADC

System location: Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

Categories of individuals covered by the system: Individuals filing EEO complaints with the Corporation.

Categories of records in the system: Name, address, social security number, job title, wage rate, earnings, dates of employment, race, sex, work history, data on applications for employment, and complaint, including letter or document initiating complaint, directions on investigating complaint, affidavits, investigating report, and copies of correspondence with complainant.

Authority for maintenance of the system: U.S.C. 3301, 7151-7154, E.O. 11478

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix; the purpose of the file is to cause action to be taken on discrimination complaints.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records stored in file folders.

Retrievability: Retrieved manually, by name of individual.

Safeguards: Records are stored in locking metal file cabinets in secured premises; access is limited to those whose official duties require access.

Retention and disposal: Records retained indefinitely.

System manager(s) and address: General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

Notification procedure: Address inquiries to General Counsel, at above address. See Corporation Regulations on access in 36 CFR 903.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individual to whom records pertain; fellow workers and employer pursuant to investigation of complaint.

Systems exempted from certain provisions of the act: None.

Appendix (PADC)

1. In the event that a system of records maintained by this agency 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 the 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, such as current licenses, 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 issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed 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, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

4. A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement or a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

5. A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

6. 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.

7. 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.

[FR Doc.77-27902 Filed 9-22-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

The Privacy Act of 1974 (Pub. L. 93-579), found in 5 U.S.C. 552a., requires that agencies publish in the Federal Register at least annually a notice of the existence and character of each system of records maintained by the agency from which personal information is retrieved by the name of the individual or by some identifying particular assigned to that individual.

In accordance with 5 U.S.C.a(e)(4) and (11) the Small Business Administration is submitting the following notice of systems of records maintained by the agency. The agency last published their systems in full text in 41 FR 41647, dated September 22, 1976. Two notices of new systems of records have also been published in 42 FR 19539 and 42 FR 31856. Persons interested in commenting on the notices should address their comments in writing to Freedom of Information and Privacy Act Officer, Room 1022, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 200416 on or before October 26, 1970. All written comments received through this date will be considered prior to publication of the final notice.

Dated: August 8, 1977

A. Vernon Weaver,
Administrator.

The following notice of systems of records proposed for adoption by the Small Business Administration makes reference to addresses to Agency offices and record centers where Agency records are maintained. Appendix A lists addresses for the Central Office, the regional offices, the district offices, and the branch offices.

Appendix B lists addresses of national centers not maintained by the Small Business Administration where Agency records are also located. The Small Business Administration is, likewise, responsible for all of its records maintained in these centers and the notice refers to these centers where appropriate.

APPENDIX A

Central Office
1441 I Street, N.W.
Washington, D.C. 20416
Boston Regional Office
150 Causeway Street—10th Floor
Boston, Ma. 02114
New York Regional Office
26 Federal Plaza, Rm. 3214
New York, New York 10007
Philadelphia Regional Office
Suite 646—West Lobby
One Bala Cynwyd Plaza
231 St. Asaphs Road
Bala Cynwyd, Pa. 19004
Atlanta Regional Office
1375 Peachtree Street, N.E.
Atlanta, Ga. 30309
Chicago Regional Office
Federal Building
219 South Dearborn Street, Rm. 838
Chicago, Ill. 60604
Dallas Regional Office
1720 Regal Row
Regal Park Office Bldg., Suite 230
Dallas, Tex. 74235
Kansas City Regional Office
911 Walnut Street, 23rd Floor
Kansas City, Mo. 64106
Denver Regional Office
1405 Curtis Street
22nd Floor, Executive Tower Bldg.
Denver, Colo. 80202
San Francisco Regional Office
450 Golden Gate Ave., Box 36044
San Francisco, Calif. 94102
Seattle Regional Office
710 2nd Ave.
5th Floor, Dexter Horton Building
Seattle, Wash. 98104
Boston District Office
150 Causeway Street, 10th Floor
Boston, Mass. 02114
Augusta district Office
40 Western Ave., Rm. 512
Federal Bldg.
Augusta, Maine 04330
Concord District Office
55 Pleasant Street, Rm. 213
Concord, N.H. 03301
Hartford District Office
One Financial Plaza
Hartford, Conn. 06103
Montpelier District Office
Federal Bldg.
87 State Street, Rm. 210
Montpelier, Vt. 05602
Providence District Office
57 Eddy Street, 7th Floor
Providence, R.I. 02903
New York District Office
26 Federal Plaza, Rm. 3100
New York, N.Y. 10007
Hato Ray District Office
Chardon and Bolivia Streets
P.O. Box 1915
Hato Ray, Puerto Rico 00919
Newark District Office
970 Broad Street, Rm. 1635
Newark, N.J. 07102
Syracuse District Office
Federal Building—Rm. 1073
100 South Clinton Street
Syracuse, N.Y. 13202
Philadelphia District Office
231 St. Asaphs Rd.
1 Bala Cynwyd Plaza, Suite 400—East Lobby
Bala Cynwyd, Pa. 19004
Baltimore District Office
Oxford Bldg.
8600 LaSalle Road, Rm. 630
Towson, Maryland 21204
Clarksburg District Office
109 North 3rd Street, Rm. 301
Londes Building
Clarksburg, W. Va.
Pittsburgh District Office
Federal Building
1000 Liberty Ave., Rm. 1401
Pittsburgh, Pa. 15222
Washington District Office
1030 15th Street, N.W., Suite 250
Washington, D.C. 20417
Atlanta District Office
1720 Peachtree Strteet, N.W., 6th Fl.
Atlanta, Ga. 30309
Birmingham District Office
908 South 20th Street, Rm. 202
Birmingham, Ala. 35205
Charlotte District Office
230 S. Tryon Street
Charlotte, N.C. 28202
Columbia District Office
1801 Assembly Street, Rm. 131
Columbia, S.C. 29201
Jackson District Office
Providence Capitol Bldg., Suite 690
200 E. Pascagoula Street
Jackson, Miss. 39201
Jacksonville District Office
Federal Bldg.
400 West Bay Street, Rm 261
P.O. Box 35067
Jacksonville, Fla. 32202
Louisville District Office
Federal Bldg.
600 Federal Plaza, Rm. 188
Louisville, Ky. 40202
Miami District Office
2222 Ponce De Leon Blvd., 5th Floor
Coral Gables, Fla. 33134
Nashville District Office

404 James Robertson Parkway, Suite 1012
Nashville, Tenn. 37219
Chicago District Office
219 South Dearborn St.
Rm. 437 Federal Building
Chicago, Ill. 60604
Cleveland District Office
1240 East 9th Street, Rm. 317
Cleveland, Ohio 44199
Columbus District Office
34 North High Street
Tonti Bldg.
Columbus, Ohio 43215
Detroit District Office
477 Michigan Ave.
McNamara Bldg.
Detroit, Mich. 48226
Indianapolis District Office
575 North Pennsylvania Street
Rm. 552 New Fed. Bldg.
Indianapolis, Ind. 46204
Madison District Office
122 West Washington Ave., Rm. 713
Madison, Wis. 53703
Minneapolis District Office
12 South 6th Street
Plymouth Bldg.
Minneapolis, Minn. 55402
Dallas District Office
1100 Commerce St., Room 3C36
Dallas, Tex. 75242
Albuquerque District Office
5000 Marble Ave., N.E.
Patio Plaza Bldg.
Albuquerque, NM 86110
Houston District Office
One Allen Ctr.
500 Dallas Street
Houston, Tex 77002
Little Rock District Office
611 Gaines Street, Suite 900
Little Rock, Ark. 72201
Lubbock District Office
1205 Texas Ave.
712 Federal Office Bldg. & U.S. Courthouse
Lubbock, Tex. 79401
Lower Rio Grande Valley District Office
222 East Van Buren Street
Harlingen, Tex. 78550
New Orleans District Office
1001 Howard Ave.
Plaza Tower 17th Fl.
New Orleans, La. 70113
Oklahoma City District Office
Federal Bldg.
200 N.W. 5th Street, Suite 670
Oklahoma City, Okla. 73102
San Antonio District Office
727 E. Durango, Rm. A-513
San Antonio, Tex. 78206
Kansas City District Office
1150 Grande Ave., 5th Floor
Kansas City, Mo.
Des Moines District Office
New Federal Building
210 Walnut Street, Rm. 749
Des Moines, Iowa 50309
Omaha District Office
19 and Farnam Streets
Empire State Building
Omaha, Neb. 68102
St. Louis District Office
Suite 2500, Mercantile Tower
One Mercantile Center
St. Louis, Mo. 63101
Wichita District Office
110 East Waterman Street
Main Place Bldg.
Wichita, Kan. 67202
Denver District Office
721 19th Street, Rm. 426A
Denver, Colo. 80202
Casper District Office
Federal Bldg., Rm. 4001
100 East B Street
Casper, Wyo. 82601
Fargo District Office
Federal Bldg.
653 2nd Ave., North, Room 218
Fargo, N. Dak. 58102
Helena District Office
618 Helena Ave.
Helena, Mont. 59601
Salt Lake City District Office
Fed. Bldg.
125 South State Street, Rm. 2237
Salt Lake City, Utah 84138
Sioux Falls District Office
National Bank Bldg.
8th and Main Ave., Rm. 402
Sioux Falls, S. Dak. 57102
San Francisco District Office
211 Main Street
San Francisco, Calif. 94105
Las Vegas District Office
301 E. Stewart
Las Vegas, Nev. 89101
Honolulu District Office
1149 Bethel Street, Rm. 308
Honolulu, Hawaii 96813
Los Angeles District Office
350 S. Figueroa Street, 6th Floor
Los Angeles, Calif. 90071
Phoenix District Office
112 North Cnetral Ave.
Phoenix, Ariz. 85004
San Diego District Office
880 Front Street
Federal U.S. Bldg., Rm. 4-S-33
San Diego, Calif. 92188
Seattle District Office
915 Second Ave.
Fed. Bldg., Rm. 1744
Seattle, Wash. 98174
Anchorage District Office
1016 West 6th Ave., Suite 200
Anchorage Legal Center
Anchorage, Alaska 99501
Boise District Office
216 North 8th St., Rm. 408
Boise, Idaho 83702
Portland District Office
1220 S.W. Third Ave.
Fed. Bldg.
Portland, Oreg. 97204
Spokane District Office
Court House Bldg., Rm. 651
Spokane, Wash. 99210
Buffalo Branch Office
111 West Huron Street, Rm. 1311
Fed. Bldg.
Buffalo, N.Y. 14202
Elmira Branch Office
180 State Street—Rm. 412
Elmira, N.Y. 14902
Harrisburg Branch Office
1500 North 2nd Street
Harrisburg, Pa. 17102
Wilkes-Barre Branch Office
Penn Place
20 N. Pennsylvania Ave.
Wilkes-Barre, Pa. 18702
Wilmington Branch Office
844 King Street
Federal Bldg., Rm. 5207
Wilmington, Del. 19801
Charleston Branch Office
Charleston National Plaza Suite 628
Charleston, W. Va. 25301
Knoxville Branch Office
502 South Gay St.
Rm. 307 Fidelity Bankers Building

Knoxville, Tenn.
Springfield Branch Office
One North, Old State Capitol Plaza
Springfield, Ill. 62701
Cincinnati Branch Office
Federal Bldg.
550 Main Street
Cincinnati, Ohio 45202
Marquette Branch Office
540 W. Kay Ave.
Don H. Bottum University Center
Marquette, Mich. 49855
Milwaukee Branch Office
735 West Wisconsin Ave.
Rm. 690, Continental Bank Bldg.
Milwaukee, Wis. 53233
El Paso Branch Office
4100 Rio Bravo, Suite 300
El Paso, Tex. 79901
Corpus Christi Branch Office
3105 Leopard St.
Corpus Christi, Tex. 78408
Rapid City Branch Office
515 9th Street
Fed. Bldg., Rm. 246
Rapid City, S. Dak. 57701
Fresno Branch Office, Fed. Bldg.
1130 O Street, Rm. 4015
Fresno, Calif. 93721
Agana Branch Office
Ada Plaza Center Bldg.
Agana, Guam 96910
Fairbanks Branch Office
501 Second Ave.
Fairbanks, Alaska
Biloxi Branch Office
111 Fred Haise Blvd.
Gulf Nat. Life Insurance Bldg., 2nd Fl.
Biloxi, Miss. 39530

APPENDIX B

Federal Archives and Records Center, GSA
380 Trapelo Road
Waltham, MA. 02154
Federal Archives and Records Center, GSA
Military Ocean Terminal, Bldg. 22
Bayonne, NJ 07002
Federal Archives and Records Center, GSA
5000 Wissahickon Ave.
Philadelphia, PA 19114
Federal Records Center, GSA
Naval Supply Depot, Bldg. 308
Mechanicsburg, PA 17055
Washington National Records Center
Washington, D.C. 20409
Federal Archives and Records Center, GSA
1557 St. Joseph Ave.
East Point, GA 30344
Federal Archives and Records Center, GSA
7358 South Pulaski Road
Chicago, IL 60629
Federal Records Center, GSA
3150 Bertwynn Drive
Dayton, OH 45439
Federal Archives and Records Center, GSA
2306 East Bannister Road
Kansas City, MO 64131
National Personnel Records Center, GSA
(Civilian Personnel Records)
111 Winnebago Street
St. Louis, MO 63118
Federal Archives and Records Center, GSA
4900 Hemphill Street
P.O. Box 6216
Fort Worth, TX 76115
Federal Archives and Records Center, GSA
Bldg. 48, Denver Federal Center
Denver, CO 80225
Federal Archives and Records Center, GSA
1000 Commodore Drive
San Bruno, CA 9066
Federal Archives and Records Center, GSA
24000 Avila Road
Laguna Niguel, CA 92677
Federal Archives and Records Center, GSA
6125 Sand Point Way
Seattle, WA 98115

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SBA001

System name: Accountable Property File—SBA001

System location: Central Office, Regional Office in San Francisco, Ca., District Offices in Marshall, Tex. and Oklahoma City, Okla., and Branch Offices in Corpus Christi, Tex. and Cincinnati, Ohio.

Categories of individuals covered by the system: SBA Employees.

Categories of records in the system: Listing of items processed by employees which are the property of the Small Business Administration, with each employee's signature verifying possession.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Internal Use Only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders or cabinets.

Retrievability: Records are indexed by employee's name.

Safeguards: Access to records is generally limited to Office Services personnel.

Retention and disposal: Records are disposed of 2 years after latest inventory update.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Accountable Officer and employees.

SBA005

System name: Advisory Council File—SBA005

System location: Branch, District, Regional and Central Offices of the Small Business Administration and in Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Members, past and present, of SBA Advisory Councils. Records are also maintained on those individuals being processed for appointment to the SBA Advisory Councils.

Categories of records in the system: This system of records contains information relating to members of SBA Advisory Councils and includes political party affiliations, ethnic/minority identification, security status, Congressional clearances, recommendations, appointment notices, address lists and occasionally, biographical data and correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To disclose information about an Advisory Council member to the general public.
To respond to requests from the National Archives.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: These records are indexed by the Council member or prospective Council member's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained for three years and then forwarded to a Federal Records Center. The FRC retains these records for five years and then offers the records for transfer to the National Archives.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office Records
Regional Director for Regional Office Records
Branch Manager for Branch Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Congressional offices, Agency employees, news media, other Advisory Council members, Federal Register.

SBA010

System name: Applicant Representative Files—SBA010

System location: Branch, District, Regional and Central Offices of the SBA. See Appendix A for SBA addresses.

Categories of individuals covered by the system: Individuals who render services in connection with the preparation of SBA loan applications.

Categories of records in the system: This system of records contains information relating to applicant representatives including revocation or suspention of representative privilege, type of service performed, amount of compensation charged borrowers and irregularities or complaints.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecuting such violation or charged with implementing the statute, or rule, regulation or order issued pursuant thereto.

After final SBA action revoking or suspending the privilege of a representative to appear before the SBA, the relevant records in the system of records may be referred, as a routine use, to other Federal Agencies which deal with the individual as an applicant representative.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and in index cards.

Retrievability: These records are indexed by representative name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: The system of records is retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Loan applicants and applications, Agency employees, third party informants, and individual to whom record pertains.

SBA015

System name: Appraisers List—SBA015

System location: District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

Categories of individuals covered by the system: Individual appraisers.

Categories of records in the system: This system of records contains information relating to individual appraisers including qualifications, correspondence and, occasionally, notes on performance.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634 (b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and on index cards.

Retrievability: Records are indexed by appraiser's name.

Safeguards: Access to and use of these records are limited to those officials whose duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Directors, and Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, or his agent, Agency employees, National Association of Real Estate Appraisers, and published lists of local and regional appraisers.

SBA020

System name: Auctioneers List—SBA020

System location: District and Regional Offices of SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Individuals who are auctioneers.

Categories of records in the system: This system of records contains information relating to auctioneers who are interested in conducting sales on behalf of SBA, including categories of property and geographic areas in which the individual auctioneer is qualified and bonded.

Authority for maintenance of the system: U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders and on index cards.

Retrievability: These records are indexed by auctioneer's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, or his agent, General Services Administration, Loan Files.

SBA025

System name: Audit Reports—SBA025

System location: The Central Office of the Small Business Administration and Federal Record Centers. In some cases, copies are maintained in the District and Branch Offices where the loan was processed. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains detailed investigations of home disaster loan recioients' use of SBA funds. These records also include related correspondence. Such audits are rarely undertaken unless large sums of money are involved.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records to the extent that the information is relevant and necessary to the IRS' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained by SBA for two years after the loan has become inactive and are then transferred to an FRC where they are maintained for five years and then destroyed.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Financial institution reports and records, Agency investigation, individual to whom record pertains.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(2), all investigatory material in the record compiled for law enforcement purposes is exempt from the notification, 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. This exemption is necessary in order to accomplish the purpose of the Agency in preventing abuse of loan proceeds by recipients, as well as enforcing Agency rules and regulations (pursuant to 15 U.S.C. 634(b)(6) and 15 U.S.C. 645(a)), and preventing subjects of investigations from frustrating the investigatory process.

SBA030

System name: Automated Personnel History--SBA030

System location: SBA Central Office. See Appendix A for address.

Categories of individuals covered by the system: All SBA employees.

Categories of records in the system: Current status of all SBA employees including all data pertinent to that status. This system includes name, Social Security number, grade and salary title, organization, education, veterans preference, competitive level, date of birth, handicap code, health benefits, etc. This system includes all personnel actions affecting active SBA employees since May 1972, and also those of separated employees since that date.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A number of records in this system are sent as a required report to the Civil Service Commission. The General Accounting Office is also given information from this system for audit purposes.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: This system of records is maintained on magnetic tape.

Retrievability: Records in this system can be retrieved by the employee's name or Social Security number.

Safeguards: Physical Security - authorized personnel only.

Retention and disposal: These records form a permanent data bank for the Office of Personnel and are retained indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: SF 171 and any other forms an employee completes when coming on-board; Personnel actions as recorded on SBA Form 52; Requests for personnel actions; Mass Change Formats; and Award Keypunch Formats.

SBA035

System name: Bankruptcy Filings in South Carolina--SBA035

System location: Columbia District Office of the Small Business Administration. See Appendix A for address.

Categories of individuals covered by the system: Individuals in South Carolina who have filed for bankruptcy.

Categories of records in the system: This system of records, a list, enables Agency officials to identify borrowers and/or guarantors who have declared bankruptcy.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in a file folder.

Retrievability: Records are indexed by individual's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employeed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Director. See Appendix A for address.

Notification procedure: An indiviudal may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director for Columbia District Office. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: List compiled by Bankruptcy Court.

SBA040

System name: Boards of Survey—SBA040

System location: Central Office, Regional Offices, District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees and other individuals who have been involved in accidents with government vehicles, or other incidents of loss or damage to government property.

Categories of records in the system: This system includes the report and supporting material compiled by the Board of Survey in reviewing cases involving loss or damage to government property. These may be claims by or against the government. Cases involving up to

5000 can be handled in the Regional Offices. Cases involving more than

5000 must be referred to the Central Office Board of Survey.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651-78.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event that a suit is initiated in a court, these records would be referred to the Justice Department and General Services Administration for handling. The records would also be given to the parties in litigation with the Agency and to the court, if necessary in the case.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Files are indexed by the name of SBA employees or other individuals involved in the case.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
These addresses are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the paragraph above, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individuals involved in the case, witnesses, Agency investigation.

SBA045

System name: Borrower Insurance Files—SBA045

System location: The following District and Branch Offices maintain this system of records: Boise District Office, Casper District Office, Corpus Christi Branch Office, Honolulu District Office, Marshall District Office, New Orleans District Office, Pittsburgh District Office, Salt Lake City District Office and San Antonio District Office. All other District and Branch Offices maintain this information in the Loan Case File. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to a Disaster Home Loan recipient's hazard insurance and Federal Flood Insurance, wherever applicable. These records include a copy of the insurance policy, a history of premium payments and related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be disclosed in correspondence with a recipient's insurance company as to the status of his policy.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and index cards.

Retrievability: These records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are destroyed when the loan becomes inactive.

System manager(s) and address: District Directors, and Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information in the system should direct their requests to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, insurance companies, Housing and Urban Development—Farmers Home Administration.

SBA050

System name: Career Counseling Files—SBA050

System location: San Francisco Regional Office, San Francisco District Office. See addresses in Appendix A.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This record system includes notes and forms completed during interviews between employees and supervisors regarding career goals and programs.

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: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by employee name within each division of the office.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are retained for a period of time set by agreement between supervisor and employee.

System manager(s) and address: Regional Director, District Director. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Interview between employee and supervisor.

SBA055

System name: Chamber of Commerce Members—SBA055

System location: Kansas City Regional Office. See Appendix A for address.

Categories of individuals covered by the system: Chamber of Commerce members.

Categories of records in the system: This system of records contains information relating to individual members of Chambers of Commerce who are available as needed as spokesmen for SBA. The records include a summary of the individual's relationship with SBA.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on index cards.

Retrievability: These records are indexed by individual's name and geographical area.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are kept indefinitely, but updated every two years.

System manager(s) and address: Regional Director. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request to the Regional Director at Kansas City.

The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so . advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the paragraph above, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees.

SBA060

System name: Collateral—SBA060

System location: District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains negotiable collateral assigned to the SBA in connection with the award of a disaster home loan. Included in these records are registers of negotiable collateral assigned to SBA, trust receipts, bonds, certificates, mortgages, notes, titles, insurance policies, and agreements of extending deeds of trust.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

In the event a system of records maintained by this Agency to carry out its function 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 or order issued pursuant thereto, the relevant records in the 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 investigation or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service in response to its request with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

To request information from a Federal, State, or local agency or a private title search agency to determine an applicant's suitability for a loan.

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 or settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, index cards, safety deposit boxes and insulated combination safes.

Retrievability: These records are indexed by recipient name and/or loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained until an individual's loan is paid-in-full or charged-off, then disposed.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system conatins a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, bank correspondence, State officials, title search companies.

SBA065

System name: Collection Files—SBA065

System location: District, Branch and Central Offices of Small Business Administration and in the Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to SBA collection activities in connection with Disaster Home Loans from the time of the initial disbursement until the loan is either paid-in-full or put in liquidation status. These records include:

SBA Form 573—"Cash Collateral and Abeyance Item Register"
SBA Form 230—"Receipt for Payment"

SBA Form 368—"Collectionsy—Disaster Deferred Participation Loans Purchased."
Default Vouchers
Various documents relating to the receipt and disposition of money remitted, issuances of past due notices and other related material.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

In the event court action arises from loan collection activities, 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 counsel in the course or settlement negotiations.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on microfilm, magnetic tape, file folders, receipt books, ledgers, and insulated combination safes.

Retrievability: These records are indexed by recipient name as well as a cross-referenced loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records located in District and Branch Offices are retained for two years after the loan is paid or charged-off and then forwarded to a Federal Records Center where they are destroyed after two years. Records located in the Central Office are retained no more than two years and then either forwarded to a Federal Records Center for four years or sold for salvage.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Banks, and Loan Case File.

SBA070

System name: Combined Federal Campaign—SBA070

System location: SBA Regional Offices in Kansas City, Mo., Boston, Mass., and Chicago, Ill. SBA District Offices in Columbus and Cleveland, Ohio. For the addresses of these offices, see Appendix A.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This system contains a list of participants and their contributions. A copy of pledge cards, names and addresses of personnel connected with the Combined Federal Campaign, code of charities to which donations were made.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Names and addresses of those employees who are connected with the planning and accomplishments of the fund-raising drive are sometimes released to the media.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders or binders, which are usually stored in file cabinets.

Retrievability: Records are indexed by name, within each fiscal year.

Safeguards: Records used by authorized persons only, on a need to know basis.

Retention and disposal: There is no official disposal schedule for these records, they are kept indefinitely.

System manager(s) and address: Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee on whom the record is maintained.

SBA075

System name: Commercial Toll Calls—SBA075

System location: Portland, Oregon District Office, and Cleveland, Ohio District Office. See Appendix A for addresses. Other offices may keep information on toll calls, but it is only indexed by date.

Categories of individuals covered by the system: SBA employees who have made commercial toll telephone calls.

Categories of records in the system: Copies of SBA Form 485A, "Commercial Telephone Toll Tickets."

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: These records are used in communicating with the General Services Administration, or the telephone company regarding telephone bills.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: In the offices listed above, these records are indexed by the name of the employee making a commercial toll call.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are retained until an audit or until the information otherwise becomes outdated.

System manager(s) and address: District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: SBA employees, telephone company, General Services Administration.

SBA080

System name: Completion Certificate Control Lists—SBA080

System location: Central Office, District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to SBA Form 1018, "Completion Certificate on SBA Disaster Loans." Each disaster loan recipient is required to execute this form when all loan proceeds have been expended. The system of records contains this form along with borrower reminders, past due listings, and verification reports.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on magnetic tape, file folders, binders and index cards.

Retrievability: These records are indexed by recipient name as well as a cross-referenced loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency personnel, Loan Case File.

SBA085

System name: Congressional Hearing Files—SBA085

System location: Central Office of the SBA. See Appendix A for the address.

Categories of individuals covered by the system: SBA employees, as well as applicants for, and recipients of, SBA assistance.

Categories of records in the system: This system of records contains information about individuals in connection with preparation for and attendance at Congressional hearings. These records include data concerning program activities and personnel problems, intra-agency correspondence, investigations and Justice Department reports.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation, or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders.

Retrievability: Parts of these records are indexed by an individual's name, and to that extent, are retrievable.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for the address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Agency files, Justice Department.

SBA090

System name: Delinquent Loans—SBA090

System location: District and Branch Offices of the Small Business Administration and Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of records in the system: Recipients of disaster home loans whose loans have been classified as delinquent.

Categories of records in the system: This system of records contains information relative to delinquent disaster home loans. These records consist of monthly printouts of loans 30, 45, and 60 days past due and SBA Forms 1004A and 1004B, the collection notices and records on past due accounts. Included in these records are the number, amount and dates of delinquent payments, the amount of the loan, related correspondence and remarks by the Service Loan Officer.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and binders.

Retrievability: These records are indexed by the name of the recipient.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The monthly listings are retained for up to one year and then destroyed. The 1004A and 1004B forms are transferred to the loan case file or an FRC if the loan becomes current. If the loan remains past due, these records are transferred to liquidation and retained until the loan is charged-off or paid-in-full and then forwarded to an FRC. Records maintained by a Federal Records Center are destroyed after four years.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire at to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her. The District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Agency Collection Activities Branch, individual to whom record pertains, agency personnel.

SBA095

System name: Designations of Cashiers—SBA095

System location: Lubbock District Office at address listed in Appendix A.

Categories of individuals covered by the system: SBA employees in office who have been bonded to serve as cashiers.

Categories of records in the system: This record includes request for and designation of cashiers (SF 211 and 1195), who are required to be bonded for the handling of imprest funds and treasury checks.

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: Information in these records is referred to the Treasury Department for bonding.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by the name of the employees designated as cashiers.

Safeguards: Records are kept in a file cabinet.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Director, Lubbock, Texas. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The address is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained.

SBA100

System name: Disaster Relief Act Printout—SBA100

System location: Corpus Christi Branch Office of the SBA. See Appendix A for address.

Categories of individuals covered by the system: Recipients of Disaster Home Loans in the Corpus Christi area.

Categories of records in the system: This Computer Printout lists the name and address of borrowers to whom the "forgiveness" provision of the Disaster Relief Act applies.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in a file folder.

Retrievability: Records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Indefinite retention.

System manager(s) and address: Branch Manager. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Branch Manager for Branch Office records
The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees.

SBA105

System name: Disbursements—SBA105

System location: Central, District and Branch Offices of the SBA and Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Recipients of disaster home loans.

Categories of records in the system: This system of records contains information relating to loan disbursement activities. These records consist of detailed listings of disbursements, SBA Form 191-checks requested, SBA Form 192-checks issued on loan closing and treasury check registers. The information includes amount of the loan, schedule of payments, actual disbursement calendars and overpayments made.

Authority for maintenance of the system: U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used;

To provide information to the public when disclosures are warranted.
In communicating with the Treasury Department on disbursement activities.
To provide data to the General Accounting Office for periodic reviews of this Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, register books, and index cards.

Retrievability: These records are indexed by recipient name and loan number as well as a cross-referenced check control number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The Central Office maintains these records for three years following the end of the fiscal year whereas the District and Branch Offices maintain the system either for two years or indefinitely. The records are then transferred to an FRC which disposes of them under GAO standards.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office Records
District Director for District Office Records
Branch Manager for Branch Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: The individual to whom the record pertains, Treasury Department, Agency personnel, and Loan Case File.

SBA110

System name: EEO Pre-Complaint Counseling—SBA110

System location: Central Office, Regional Offices, District Offices and Branch Offices. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees who have requested counseling regarding discrimination in employment.

Categories of records in the system: File on each counseling case, compiled by Equal Employment Opportunity Counselor in each office. File may include statements made by the employee being counseled and other persons interviewed, record of attempts to resolve the problem, and EEO Counselor's Report. If a formal complaint is filed after counseling, the EEO Counselor's Report becomes part of the EEO Complaint case.

Authority for maintenance of the system: 5 C.F.R. 713, 13 C.F.R. 105.735-5-4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to report counseling activity to the Civil Service Commission, but such reports do not name the individuals who received counseling.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Files are kept in file folders.

Retrievability: Records are indexed by the name of the person requesting counseling.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Some offices dispose of records after the problem is resolved. Others retain the records for a period of years or indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, and Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Person requesting counseling, other employees, EEO Counselor, and Personnel and employment records.

SBA115

System name: EEO Complaint Cases—SBA115

System location: Central Office. For address see Appendix A.

Categories of individuals covered by the system: SBA employees who have filed a complaint regarding discrimination in employment.

Categories of records in the system: Files on each complaint case, compiled by the Office of Equal Employment Opportunity. File may include statements made by the complainant and other persons interviewed, EEO Counselor's Report, other information developed in the investigation of a complaint, notes of attemots to resolve the complaint, report of a hearing, Hearing Examiner's Recommendations, and Agency action on the case. Files also include closed cases.

Authority for maintenance of the system: 5 C.F.R. 713, 13 C.F.R. 105.735-5-4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records are used to report complaints to the Civil Service Commission.
In the event that a complaint results in a hearing, records in this system will be used in preparing and presenting the case before a Complaints Examiner designated by the Civil Service Commission.
In the event that a complaint is appealed to the Civil Service Commission, these records will be used by the Appeals Review Board in making a decision on the case.
In the event that a complaint results in a suit in a Federal court, these records will be referred to the Department of Justice and used by that Department to prepare and present the case in court.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Files are maintained in file folders.

Retrievability: Records are indexed by the name of the person filing a complaint.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer, Central Office, at the address listed in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Complainant, Witnesses, Hearing transcript, Complaints Examiner's Recommendations, Agency investigation, Personnel and Employment records.

SBA120

System name: Employee Awards—SBA120

System location: This system is maintained by most SBA Regional and District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees nominated for and/or receiving awards.

Categories of records in the system: Narratives on each individual nominated for Civil Servant of the Year, SBA Honor Award nominees, Federal Women's Award nominees, recommendations of supervisors and other supporting documentation submitted to awards boards.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: List of nominees for the Federal Women's Award are sent to the Civil Service Commission for consideration.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are kept in file folders which are usually stored in file cabinets.

Retrievability: Records are indexed by name of employee or title of award.

Safeguards: Personnel screening - information released to authorized persons only.

Retention and disposal: These records are retained for a period varying from three to five years, then disposed of.

System manager(s) and address: Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employees, official Personnel folders, supervisors, Civil Service Commission, Department of Labor, other agencies and organizations.

SBA125

System name: Employee Biographical Files—SBA125

System location: Central Office, Regional Offices, District Offices, El Paso Branch Office. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: Records include biographical data such as date of birth, employment history, education, photographs, news clippings and record of public appearances in an official capacity. These files do not necessarily contain information on all SBA employees.

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: Information in these records will be released to news media, other Government agencies, and private groups and organizations for publicity purposes.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by the name of the employee.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Most offices retain the records as long as the person is employed by SBA.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Manager. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained, Agency personnel records and memoranda, news media.

SBA130

System name: Employee Bond Participation Files—SBA130

System location: Central Office, Regional and District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who purchase U.S. Savings Bonds through payroll deduction.

Categories of records in the system: This record includes the name of an employee purchasing Savings Bonds, address, Social Security number, amount of deduction, bond denomination, names of co-owners or beneficiaries, correspondence and other information relating to bonds.

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:

Records in this system are referred to the Treasury Department for the purchase of bonds.
These records are reviewed by the General Accounting Office in the course of an audit of the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in journals or file folders.

Retrievability: Records are indexed by employee name or Social Security number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Perosnnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Central Office Files are disposed of after three years or a GAO audit. Other files are kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, and District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the

reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee Savings Bond Form (SBA 1042), Payroll Master File.

SBA135

System name: Employee Counseling Program—SBA135

System location: SBA Central Office; Denver Regional Office; Boston Regional Office; Wichita, KS District Office. See Appendix A for addresses.

Categories of individuals covered by the system: Employees who have requested counseling for personal problems and employees designated as counselors.

Categories of records in the system: Case history documentation relative to problems. Counseling data. Referrals for assistance. Health benefit, compensation or disability processing assistance. Names of employees designated as Employee Counseling Program councelors.

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: Employee Counseling Program records may be used to contact a doctor or other form of assistance for the employee being counseled.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are stored in locked file cabinets or in the desk of the Employee Counseling Program counselor.

Retrievability: Records are indexed either by the name of the counselor or the employee being counseled.

Safeguards: Records are released to authorized personnel only, on a need to know basis.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: SBA employees and their supervisors.

SBA140

System name: Employee Evaluation and Supervision Files—SBA140

System location: Central Office, Regional Offices, District Offices, Branch Offices. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This record contains Annual Performance Ratings, informal incident files on job activities, and other informal information relating to job performance, kept by supervisors.

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: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Retention varies from one year to indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Supervisors; Observation, conversation, interviews with employees; Agency Personnel records.

SBA145

System name: Employee Identification Card Files—SBA145

System location: Central Office, Regional Offices, District Offices, Branch Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: These files contain names of employees and the identification card numbers issued to them.

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: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders or card files.

Retrievability: Records are indexed by employee name or identification card number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are retained until employee terminates service with SBA, or indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained, Agency Personnel records.

SBA150

System name: Employee Suggestions—SBA150

System location: Central Office, Regional Offices, Anchorage District Office, Cleveland District Office, Des Moines District Office. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees who have filed suggestions.

Categories of records in the system: Records include a copy of the suggestion, and information relating to the disposition made of the suggestion.

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: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records kept in file folders.

Retrievability: Records in the offices listed above are indexed by the name of the person making the suggestion. Suggestion files in other offices are retrievable by date.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Files are kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee who filed suggestion, Agency personnel who review suggestions.

SBA155

System name: Employment Applications—SBA155

System location: Maintained by individual divisions of the SBA Central, Regional, District, and Branch Offices. See Appendix A for addresses of these offices.

Categories of individuals covered by the system: Applicants for permanent, part-time, and temporary employment with the SBA.

Categories of records in the system: This system of records contains letters of introduction, resumes, personal qualifications statements, referrals, references, pre-employment inquiries, job interview records, Civil Service Commission ratings and lists of eligibles.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The resumes, etc. of those applicants seeking referral assistance are sometimes forwarded to other Federal agencies for possible employment.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are usually stored in folders within file cabinets.

Retrievability: Records are indexed by applicant's name.

Safeguards: Information released only to authorized personnel on a need to know basis.

Retention and disposal: File disposed of after two years.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Applicant to whom the file pertains, Civil Service Commission, and persons who furnish references for applicant.

SBA160

System name: Exit Interviews—SBA160

System location: SBA Regional Offices in Denver, Colorado and in San Francisco, California. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who resigned.

Categories of records in the system: A written record of interviews conducted by the Personnel Office to determine why an employee resigned.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: The records in this system are stored in file cabinets.

Retrievability: These records are retrieved by the name of the employee.

Safeguards: Records are released to authorized Agency personnel only.

Retention and disposal: These records are maintained indefinitely.

System manager(s) and address: Regional Directors in Denver and San Francisco. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the appropriate Regional Director in either Denver or San Francisco. The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Interviews with employees and supervisors.

SBA170

System name: Finance & Investment Career Program—SBA170

System location: Central Office. Regional Offices. District Offices in Hartford, Connecticut; Lubbock, Texas; Seattle, Washington. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who have applied for or enrolled in the F & I Career Program.

Categories of records in the system: This system of records includes application forms, appraisals of the employee's performance and potential, training plans, record of an employee's activities in the program, and correspondence relating to the individual and the program.

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:

Information in these records may be used in communicating with a Union which represents SBA employees, in regard to the Career Program.

Information in these records may be communicated to the Civil Service Commission whenever necessary to implement a Personnel action.

These records may be examined by the General Accounting Office or the Civil Service Commission in the course of a review of the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders or binders.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employees, Supervisors, Agency Personnel records.

SBA180

System name: Government Drivers' Licenses and Use of Vehicles—SBA180

System location: Regional, District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Employees authorized to use government vehicles.

Categories of records in the system: This system of records contains information relating to use of government vehicles. Records include SBA Form 607, "Car Authorizations," applications for government driver's license, accident reports, physical fitness statements and operator's identification card.

Authority for maintenance of the system: 40 U.S.C. 471.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

To supply the General Services Administration and the General Accounting Office with information necessary and relevant to the Agencies' functions.

To request information from State and local police departments to determine an employee's eligibility for a government license.

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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 or settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and index cards.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, witnesses to accidents, police records, personnel involved in accidents.

SBA185

System name: Grievances and Personnel Practices Appeals—SBA185

System location: Central Office, Regional Offices, or District Offices where grievances or personnel practices appeals have been filed.

Categories of individuals covered by the system: SBA employees who have filed grievances under Union grievances procedures or Personnel Practices Appeals Procedures.

Categories of records in the system: This system includes correspondence, supporting documents, transcripts of hearings, information developed in investigating a grievance or appeal, and other information related to the processing of the grievance or appeal. These cases may be processed under a Union grievance procedure, or procedures established by the Agency pursuant to the Administrator's memorandum of December 9, 1974, to ensure that merit principles and personnel laws and regulations are carried out, where other procedures are not applicable.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C 3101, Collective Bargaining Agreements with Unions which

represent SBA employees, SBA Administrator's memorandum of December 9a 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be communicated to the Union pursuant to the grievance procedure.

These records may be reviewed by the Civil Service Commission or used in reporting to the Civil Service Commission on labor-management relations activity.

Records may be disclosed to a Hearings Examiner from outside the Agency, purusant to established procedures.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of the employee filing the grievance or appeal.

Safeguards: Access to and use of these records are limited to those persons whose offical duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual who files grievance or appeal, other employees, Union, Personnel and employment records.

SBA190

System name: Hurricane Agnes Disaster Files—SBA190

System location: Philadelphia Regional Office, Harrisburg Branch Office and Wilkes-Barre Branch Office of SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients and applicants of SBA Disaster Home Loans, recipients of Pennsylvania State grants.

Categories of records in the system: This system of records contains information relating to loans applied for and/or issued during the Hurricane Agnes disaster of June 1972. These records include:

Detailed analysis of every SBA disaster loan over 50,000 approved in the Philadelphia Region during the Hurricane Agnes disaster of June 1972,

List of individuals receiving State grants,

List of Mobile Home Loans fully forgiven,

List of borrowers scheduled for liquidation and other information needed to determine eligibility of a borrower for additional funds,

Active disaster accounts containing U.S. Court Order for Restitution for misuse of loan proceeds.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To request information from a Federal, State, or local agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are indexed by recipient's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Regional Director, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Loan Case Files, Department of Community Affairs (State of Pa.), United States Probation Officer, United States Clerk of Courts, Agency employees.

SBA195

System name: Inquiries and Correspondence—SBA195

System location: Central, District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Individuals who have inquired of, or corresponded with, the Small Business Administration, or have been the subject of such inquiry.

Categories of records in the system: This system of records contains information relating to correspondence and inquiries which are filed by the inquiror's name, and are not filed chronologically. Included in these records are inquiries from members of Congress, borrowers and applicants, and interested members of the public and news media. Also included in this system is information relating to Disaster Home Loan borrowers and applicants, and SBA employees who have been the subject of an inquiry, where such information is filed by the individual's name and not chronologically.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan and the apportioned amount of the loan for real or personal property loss.

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation, or charged with enforcing or

implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of the Agency.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan, 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.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, on magnetic tape, and index cards.

Retrievability: These records are indexed by individual's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained for no more than three years and then disposed of.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency personnel, case files, Congressional correpondence, General Accounting Office.

SBA 205

System name: Legal Work Files on Personnel Problems—SBA205

System location: SBA Central See Appendix A for address.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: These work files include opinions, advice, transcripts, witness statements, etc. maintained by the General Counsel's Office on personnel cases.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6); 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records kept in file folders which are stored in file cabinets.

Retrievability: Records indexed by employee's name.

Safeguards: Access limited to those employees in General Counsel's Office involved in these cases.

Retention and disposal: These work files are kept indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer.

The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Office of Personnel, Third party witnesses.

SBA210

System name: Lessees of Federally Owned Land on Rivers in Illinois—SBA210

System location: Springfield, Illinois Branch Office. See Appendix A for address.

Categories of individuals covered by the system: Leesees of Federally owned land on rivers in Illinois.

Categories of records in the system: This system of records contains information as to whether these individuals did or did not obtain SBA loans during the 1973 Federally declared flood disaster.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in a file folder.

Retrievability: These records are indexed by lessee name as well as a cross-referenced lot number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

System manager(s) and address: Branch Manager. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Branch Manager in Springfield, Ill.

The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Department of the Army, Corps of Engineers.

SBA220

System name: Litigation and Claims File—SBA220

System location: Central Office, Regional, District and Branch Offices, and Federal Records Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: All Disaster Home Loan recipients and other individuals who are parties to lawsuits or claims involving the SBA.

Categories of records in the system: This system of records contains information relating to recipients who have been classified as "in litigation" and all individuals involved in claims asserted by or against the Agency. These records include, wherever applicable: affidavits, briefs, pleadings, depositions and interrogatories, summaries of loan status with entries of progress of litigation, opinions, copies of Departement of Justice papers concerning loan cases in litigation, summary foreclosures, chattel lien searches, requests and answers under disclosure of information, modifications of loan terms and conditions, recipients' attorneys' names, amount of liability, narrative report of actual and contingent liabilities and related correspondence.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation, or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course or settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: These records are indexed by the name of recipient and claimant.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The litigation records are maintained by the Central Records Section for one year after the litigation action has been completed and marked "closed". At that time some records may be transferred to the Loan Case File while the remainder are destroyed. Records of claims and Disclosures of Information are maintained indefinitely and Actual and Contingent Liabilities Reports are maintained until the case is resolved, then forwarded to a Federal Records Center which disposes of them according to a GSA schedule.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Officer records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to those records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency personnel, Department of Justice, interviews and correspondence with individuals outside of the Agency, bankruptcy notices, court records, title companies, and Loan Case Files.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, 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. This exemption is necessary in order for the Agency legal staff to properly perform its functions.

SBA225

System name: Loan Accounting—SBA225

System location: Central Office of the SBA. See Appendix A for address.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records lists information necessary for proper accounting of Disaster Home Loans. Included in these records are transaction registers, listings of stop actions and manual freezes, listing of assets and liabilities, and listings of outstanding items in suspense.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders and binders.

Retrievability: Records are indexed by loan number.

Safeguards: Access to and use of these records are limited to Accounting Operations Division personnel. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Loan Case File.

SBA230

System name: Loan Activity Reports—SBA230

System location: District, Branch and Regional Offices of the Small Business Administration. For addresses, see Appendix A.

Categories of individuals covered by the system: Applicants for and recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to a Disaster Home Loan. Included in this system are lists of loan approvals, lists of loans declined, lists of loans cancelled, lists of bank officers, SCORE/ACE volunteers and Advisory Council members receiving loan approval lists, lists of loans in servicing, lists of loans pending, lists of borrowers' Federal tax status, lists of undisbursed approved loans, lists of loans maturing, and lists of disbursed loans. Lists of approved loans contain information relating to the amount of a loan, the term and rate.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Loan activity reports are for internal use, with the exception of loan approval lists. Information contained in a loan approval list may be used:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan and the apportioned amount of the loan for real or personal property loss.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders and index cards.

Retrievability: Records are indexed by applicant and recipient name as well as, for approved loans, the loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening in employed to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Loan Case File, and Loan Master Files.

SBA235

System name: Loan Case File—SBA235

System location: All District and Branch Offices and some Regional Offices of the Small Business Administration and in Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Applicants and recipients of disaster home loans.

Categories of records in the system: This system of records contains information relating to an individual who has applied for, or is receiving a disaster home loan from the time of the individual's application until the date of payment in full or charge-off if approved; or until the date of an official denial if declined. These records include:

Loan applications and supporting documents
Personal history and financial statements
Credit information
Investigative reports
Appraisers' reports
Correspondence and recommendations of responsible SBA official including approval authorizations
Disbursement amount, term and rate
History of repayments
Collateral and UCC filings
Collection and liquidation activities
Related correspondence
Settlements and compromises
Participating banks

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan, and the apportioned amount of the loan for real or personal property loss.

In the event that a system of records maintained by this Agency to carry out its function 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 the 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.

To request information from a Federal, State or local agency or a private credit agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan, 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.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

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 such proceedings or in settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by applicant and recipient name as well as a cross-referenced loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records on approved loans are retained for two years after the loan is paid or charged-off and then forwarded to a Federal Records Center where they are destroyed four years later. Records on withdrawn, declined or cancelled applications are retained for two years after notification of final action and are then destroyed.

System manager(s) and address: Regional Directors, District Directors and Branch Mnagers. See Appendix A for addresses..

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, financial institution reports, law enforcement agencies, and Federal Disaster Assistance Administration.

SBA240

System name: Loan Closings—SBA240

System location: District and Branch Offices of the SBA. See Appendix A for address.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records lists closing information relating to Disaster Home Loans. Included in these records are closing reports, disbursement status of loan account, expiration of disbursement periods, and other records of disbursement.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, Agency employees, Loan Case File.

SBA245

System name: Loans in Liquidation, Charged-Off or Paid-in-Full—SBA245

System location: Central Office, District and Branch Offices of the SBA and Federal Records Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to Disaster Home Loans that have been placed in liquidation status or have been charged-off. These records include information on finances of borrowers, disposition of collateral, how recoveries are applied, comments relative to liquidation status, and date of final charge-off.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

In the event court action arises from loan collection activities, 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 or settlement negotiations.

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, index cards, and magnetic tape.

Retrievability: These records are indexed by recipient name as well as a cross-referenced loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records on a loan in liquidation are retained by the SBA for three years after the case is closed. Except for those cases on which subsequent collection efforts have been made within three years from the date of closing, the records are then transferred to a Federal Records Center, which will dispose of the records after four years.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, financial institution reports, creditors of the individual, auctioneers, U.S. Attorney, SBA Collateral File, SBA Loan Case File.

SBA250

System name: Loan Master Files—SBA250

System location: Central Office of Small Business Administration. See Appendix A for the address.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to an individual who has received an SBA Disaster Home Loan. Included in these records are: approval, disbursement, delinquency and bank participation data, modifications of loans, litigation data, and minority code.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in these records may be used:

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 such proceedings or in settlement negotiations.

In the event that a system of records maintained by this agency to carry out its funciton 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan or benefit by the requesting agency, or in connection with a review or audit by the other agency. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on microfilm, magnetic tape, magnetic disc, and in file cabinets.

Retrievability: These records are indexed by loan number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Files are maintained indefinitely.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Loan Case File, individual to whom record pertains, Agency employees.

SBA255

System name: Management Assistance Resource Files—SBA255

System location: Central Office, Regional Offices, District Offices, and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: SCORE/ACE volunteers, persons who borrow Management Assistance training materials, Small Business Institute coordinators, and other individuals who are potential speakers, counselors or authors and reviewers for Management Assistance.

Categories of records in the system: This system of records contains information relating to individuals listed in the above paragraph. These records include biographical sketches of volunteers, correspondence, copies of travel vouchers, files of accomplishments, copies of counseling reports, occasional evaluations of individual volunteers, publications authored, news releases and clippings.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide SCORE/ACE volunteers with information about an individual SCORE or ACE volunteer.

To provide university coordinators with information about potential speakers at management training sessions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders, and index cards.

Safeguards: Access to and use of these records are limited to those Agency personnel and volunteers whose duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained, in the case of SCORE volunteers, for three years either after a volunteer withdraws or has his name removed from active participation, and are then destroyed. For all others, files are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, members of SCORE or ACE, news media, educators and universities, professional organizations, civic organizations.

SBA260

System name: Minority Groups—SBA260

System location: Central Office and the District Offices in New Orleans, Sioux Falls and San Diego. See Appendix A for the addresses.

Categories of individuals covered by the system: Officers and members of minority organizations and minority government and civic leaders.

Categories of records in the system: This system of records contains information on individual's affiliated with various minority activities. Included within this system are membership lists of:

Indian tribes in South Dakota, the Mexican-American Federation of San Diego County, the Union of Pan Asian Communities of San Diego County, Black Mayors of Louisiana and other community organizations. The information in this system includes:

Addresses, telephone numbers, news clippings, position in the organization, investigative materials where applicable and related correspondence.

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: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders.

Retrievability: These records are indexed by individual member name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained indefinitely.

System manager(s) and address: Privacy Act Officer, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office Records
District Director for District Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Bureau of Indian Affairs, Mexican-American Federation of San Diego County, Union of Pan Asian Communities of San Diego County, Business Resource Center of San Diego, Urban League Business Directory, Agency personnel and the news media.

SBA265

System name: Modifications in Loan Accounting—SBA265

System location: Central Office, District and Branch Offices of SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records lists information necessary to keep Loan Case Files up-to-date with changes of borrower's address or loan status, deferments and rejections in payments, and other modifications as contained in SBA Form 327.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: Records are indexed by loan number and name of borrowers.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained for no more than two years, then destroyed.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Agency Personnel, Individual to whom record pertains, Loan Case File, Financial Institutions.

SBA270

System name: Non-Career Employees—SBA270

System location: Central Office, at address listed in Appendix A.

Categories of individuals covered by the system: Schedule C (Non-Career) employees or applicants.

Categories of records in the system: File includes Clearance Requests, Standard Form 171, resumes and other background information on applicants for non-career positions with the SBA.

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:

Information in these records is used to respond to requests for information from the White House, and to forward information to the White House.
These records may be examined by the Civil Service Commission or General Accounting Office in reviewing the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Retrievable by name of applicant or employee.

Safeguards: Records are kept in locked filing cabinet. Personnel screening is utilized to prevent unauthorized use.

Retention and disposal: Files are kept current and are discarded when no longer needed.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer at the address contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reason for contesting it and the proposed amendment to the information sought.

Record source categories: Individuals on whom record is maintained, White House.

SBA275

System name: Notaries Public—SBA275

System location: Houston District Office, Fairbanks Branch Office. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees who have been designated to function as Notaries Public.

Categories of records in the system: This system is a record of employees designated as Notaries Public, whose fees are paid by the agency.

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: Information in this system may be used to communicate with the appropriate agency of a State Government responsible for bonding Notaries Public.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the name of the employee designated as a Notary Public.

Safeguards: Kept in file cabinet.

Retention and disposal: Indefinite retention, or until superseded.

System manager(s) and address: District Director, Branch Manager. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office Records
Branch Manager for Branch Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertain-

ing to him or her. The District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it. And the proposed amendment to the information sought.

Record source categories: Individuals on whom record is maintained; purchase orders for fees.

SBA280

System name: Occupational Injuries—SBA280

System location: Central, District, Regional and Branch Offices where injuries have occurred. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who have been involved in an accident or injured on the job.

Categories of records in the system: Records include report forms on accidents and injuries, medical reports, medical bills and other information pertinent to the accident or injury.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651-78.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system are used to report accidents and injuries to the Department of Labor.

Records in the system may be used in processing claims for compensation for on-the-job injuries, by the appropriate Agency or a court.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by the name of the employee.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Director, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting and the proposed amendment to the information sought.

Record source categories: Employee involved in accident, witnesses, other Agency personnel.

SBA285

System name: Official Travel Files—SBA285

System location: Central Office, at address listed in Appendix A. Federal Records Centers, at addresses listed in Appendix B.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: Files include Travel Vouchers submitted by each employee.

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:

Records are reviewed by the General Accounting Office in the course of an audit of the Agency.

In the event that a system of records maintained by this Agency to carry out its function 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 regulatory rule or order issued pursuant thereto, the relevant records in the 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 investigation or prosecution of such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are maintained for two years after the end of a fiscal year, or until a GAO audit. Records are then transferred to a Federal Records Center, where they will be disposed of ten years after the end of the fiscal year in which the records were compiled.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer, at the address contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals siring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Travel Vouchers submitted by employees.

SBA290

System name: Outside Employment Files—SBA290

System location: Central Office, Regional Offices, Lubbock District Office. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who have requested permission to engage in outside employment.

Categories of records in the system: Records include requests for outside employment, correspondence concerning such requests, and notification of Agency approval or disapproval of outside employment.

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: Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by name of employee.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Director. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Office for Central Office records

Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct there request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee requesting approval of outside employment and other Agency personnel.

SBA295

System name: Payroll Files—SBA295

System location: SBA Central Office. See Appendix A for address.

Categories of individuals covered by the system: SBA employees, active and inactive.

Categories of records in the system: Name, Social Security number, employee number, grade, step, and salary; organization, retirement or FICA data as applicable; Federal, State and local tax deductions, as appropriate; savings bond and charity deductions; regular and optional Government life insurance deductions; health insurance deduction and plan or code; cash award data; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types; time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; notification of Personnel Actions; unemployment records; register of separations; annual leave restoration; over-payment indebtedness; correspondence from employees concerning payroll problems.

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: Information in this record system may be used:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To transmit data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

By the General Accounting Office for audit purposes.

In 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 insurance to 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.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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 admission to records storage areas limited to authorized personnel.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approved by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Subject individuals, supervisors, timekeepers, official personnel records, and IRS.

SBA300

System name: Personnel Benefits Files—SBA300

System location: Cleveland District Office, Casper District Office, Des Moines District Office. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This record contains information on the enrollment option and carrier number of employees enrolled in Health Insurance and Retirement Plans.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651-78.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used in communicating with insurance carriers in regard to employee benefits.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders or card files.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The address of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information contained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Agency personnel records, individual on whom records are maintained.

SBA305

System name: Personnel Card Index Files—SBA305

System location: Central Office, Regional Offices, District Offices, and Branch Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This record is kept by each office on its employees. It contains a summary of personnel information, including Social Security number, birthdate, address, telephone number, marital status, employment history, and similar information.

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:

Records may be used in responding to inquiries from banks or institutions on employees requesting loans or credit.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept on cards, or on Standard Form 7, "Employee Service Record Card," in Card Files.

Retrievability: Records are indexed by employee name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are retained for ten years after the employee leaves the Agency, then disposed of.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, and Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employees on whom records are maintained, Agency Personnel Actions and records.

SBA310

System name: Personnel Organization Roster—SBA310

System location: Maintained at SBA Central Office and at most field offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: Employee's name, Social Security number, position title, occupational series, pay plan, grade, step, salary, veteran preference, tenure, birth date, date entered Federal Service, and time spent in grade.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6); 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are copies of a computer listing which are kept in file cabinets or the desk of the responsible employee.

Retrievability: Records are filed by office, program area, and name.

Safeguards: Information released only to authorized persons on a need to know basis.

Retention and disposal: A new listing is generated each month. The Central Office disposes of old copies after three years or upon completion of a Civil Service Commission inspection. Field offices dispose of old monthly copy when new copy is received or periodically, if desired.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Personnel and Payroll Records.

SBA315

System name: Personnel Security Files—SBA315

System location: SBA Central Office and Regional Offices. See Appendix A for addresses.

Categories of individuals covered by the system: Active and inactive SBA employees.

Categories of records in the system: This system contains the active and inactive personnel security files, which include the employee's or former employee's name, background information, personnel actions, and Civil Service Commission's full field investigations. Also included in this system are the Civil Service Commission's National Agency checks and the names of those employees in sensitive positions requiring full field investigations.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101, Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event that a system of records maintained by this Agency to carry out its function 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 the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the investigation or prosecution of such violations or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Full field investigations and National Agency checks are returned to the Civil Service Commission when employee becomes inactive.

Records in the active and inactive personnel security files are forwarded to other Federal agencies conducting background checks.

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 such proceedings or in settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: The active and inactive personnel security files are maintained in rotary diebold power files. CSC National Agency checks are maintained in locked safes.

Retrievability: Records are retrieved by employee's name.

Safeguards: Personnel screening. Information released only to authorized persons.

Retention and disposal: Civil Service Commission National Agency checks are kept until the employee leaves government service and then returned to CSC.

On the separation of an employee from SBA, Security and Investigations Division strips the file and forwards the full

field portion of an investigation to the CSC. Remaining information of a nonderogatory nature is destroyed, while derogatory information is kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: SBA employees, SBA Personnel Office, third party witnesses, Civil Service Commission.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, 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. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to maintain access to sources necessary in making determinations of suitability for employment.

SBA320

System name: Portfolio Reviews—SBA320

System location: Central Office, District Offices, Branch Offices. For addresses see Appendix A.

Categories of individuals covered by the system: Recipients of SBA Disaster Home Loans.

Categories of records in the system: This system consists of reports compiled by the Office of Portfolio Review in the course of reviewing field office handling of all loans. Disaster Home Loans are included in these reviews only occasionally. Central Office files also include line cards prepared with summary information on each loan. Until early 1975 the Portfolio Review Reports contained this information on each loan listed alphabetically. Since that time, loans are no longer listed, but are named only when there is a particular problem in the loan handling.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6), 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: Records in this system may be examined by the General Accounting Office in the course of a review of the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by office. Some information within the records is retrievable by loan name or number.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Reports are retained indefinitely. Line cards in Central Office are retained until the next report, then disposed of.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Office of Portfolio Review, Loan Case Files, SBA personnel, and Field visits to borrowers.

SBA325

System name: Potential Spanish-Surnamed Applicants—SBA325

System location: Denver Regional Office, at address listed in Appendix A.

Categories of individuals covered by the system: Potential Spanish-surnamed applicants for Federal employment.

Categories of records in the system: This record includes name, address, phone number, and information on employment of Spanish-surnamed individuals who are potential applicants for SBA employment. This information is used to notify individuals of job openings at the SBA.

Authority for maintenance of the system: Public Law 92-261, Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in a card file.

Retrievability: Records are indexed by the names of individuals.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Regional Director. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Regional Director at the address contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained; organizations who refer applicants.

SBA330

System name: Power of Attorney Files—SBA330

System location: SBA Regional Offices, District Offices in Atlanta, Georgia; Birmingham, Alabama; Charlotte, North Carolina; Columbia, South Carolina; Miami, Florida; Jacksonville, Florida; Louisville, Kentucky; Jackson, Mississippi; and Nashville, Tennessee; Branch Offices in Biloxi, Mississippi and Knoxville, Tennessee. For addresses see Appendix A.

Categories of individuals covered by the system: Insurance agents who have the authority to execute a surety bond.

Categories of records in the system: Information in this system of records identifies those individuals who are authorized to execute bonds for surety companies.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by agent's and broker's names.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained until the SBA is notified that the authority to execute bonds has been rescinded, at which time the records are destroyed.

System manager(s) and address: Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Surety company for which the agent broker is authorized to execute bonds.

SBA335

System name: Problem Loan Work Files—SBA335

System location: District and Branch Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records contains information relating to an individual recipient of a Disaster Home Loan. These records include delinquent accounts, reports of field visits, correspondence and other information pertinent to a problem loan.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In the event that a system of records maintained by the Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are indexed by recipient's name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: These records are retained independently of the Loan Case File until the problem is resolved and then are incorporated into the Loan Case File.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records

The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Loan Case File, individual to whom record pertains, Agency employees, financial institutions.

SBA345

System name: Red Cross Blood Program—SBA345

System location: Regional Offices, at addresses listed in Appendix A.

Categories of individuals covered by the system: SBA employees who have donated blood or indicated their willingness to donate blood.

Categories of records in the system: Record includes name of employee, blood type, and date of last donation of blood.

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: Records will be used in referring individuals to the Red Cross to donate blood.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Information is kept in notebooks or on cards.

Retrievability: In some offices this record is indexed by the employee's name. In other offices it is only indexed by date.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are kept for one year, then destroyed.

System manager(s) and address: Regional Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Regional Director. The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to the records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual on whom record is maintained.

SBA350

System name: Reports on Minority Employment—SBA350

System location: Central Office, Regional Offices, District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system: This system of records includes computer printouts and other forms of listings of SBA employees, indicating their minority code and sex, and in some cases training and promotions received by them. The records are used to evaluate the Agency's compliance with principles of equal employment opportunity.

Authority for maintenance of the system: Executive Order 11478, 42 U.S.C. 2000e-1 et. seq., 5 C.F.R. 713, 13 C.F.R 105.735-5-4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records are used in compiling reports to the Civil Service Commission.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept on magnetic tape, on cards, or in file folders.

Retrievability: Information in this system may be indexed by employee name, Social Security Number, or minority code.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Indefinite or until up-dated.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Personnel records and visual observation to determine minority code.

SBA355

System name: SCORE Master Files—SBA355

System location: Central Office. See Appendix A for the address.

Categories of individuals covered by the system: Service Corps of Retired Executives and Active Corps of Executives.

Categories of records in the system: This system of records is a master list of all retired and active executives who volunteer their services to give business counseling to SBA recipients. These records contain information as to personal qualifications and expertise and cases which they have counseled.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained on magnetic tape and in a binder.

Retrievability: These records are indexed by SCORE and ACE volunteer's name as well as serial number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The master tape is updated periodically and maintained indefinitely. When a SCORE and ACE volunteer's name is withdrawn from active duty, the record is maintained for three years and is then destroyed.

System manager(s) and address: Privacy Act Officer, see appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
The Address of this office is contained in appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, SCORE/ACE registration forms.

SBA360

System name: Security & Investigations Files—SBA360

System location: Central Office and Federal Records Centers. See Appendix A for SBA Central Office address and Appendix B for FRC addresses.

Categories of individuals covered by the system: Applicants and recipients of SBA assistance and principals of applicant and recipient businesses - all types of loans, Lease Guarantees, Small Business Investment Company licensing, 8(a) contractors, call contractors and grantees, State and Local Development Companies, Economic Development Administration loans, Surety Bond Guarantees and applicant representatives, members of Advisory Councils and SCORE/ACE volunteers.

Categories of records in the system: This system of records contains investigations and reports on all of the above indiviudals on whom the Agency has derogatory information. Records of a nonderogatory nature are maintained on the principal SBIC directors and stockholders. These records integrate FBI and IRS reports and include personal history statements, background character checks, field investigations, arrest and conviction records, parole and probation data, Securities and Exchange Commission violations, recommendations and evaluations, and related correspondence.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6), 15 U.S.C. 645(a), 18 U.S.C. 1001.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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 such proceeding or in settlement negotiations.

These records may be used to provide data to the General Accounting Office for periodic reviews of this Agency.

These records may routinely be disclosed to other Federal agencies, in response to their requests, in connection with conducting background checks. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in rotary diebold power files, file folders and card indexes.

Retrievability: These records are indexed by applicant and recipient name.

Safeguards: Personnel screening. Information is released only to authorized persons.

Retention and disposal: At the end of each calendar year, investigation records are screened to remove those records on which no derogatory information has been received for five years or more. These inactive records are then sent to an FRC which maintains them for twenty years and then destroys them. Derogatory records on SBIC principals are retained for two years and then transferred to an FRC which destroys them after ten years, whereas nonderogatory records are retained for one year and then destroyed. Investigation cards containing a condensed report and applicant representative cards are retained indefinitely. Correspondence records are retained for as long as they are essential and destroyed annually when nonessential.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer for Central Office records. The address of this office is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, public court records, parole and probation authorities, FBI, IRS, State and local law enforcement authorities, third party informants and Agency personnel.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, 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. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to prevent subjects of investigations from frustrating the investigatory process.

SBA365

System name: Security & Investigations Referrals—SBA365

System location: Regional, District and Branch Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees and applicants and recipients of SBA assistance.

Categories of records in the system: This system of records contains referrals to Securities & Investigations for investigations and reports of the above individuals in order to determine whether fraudulent activities or misconduct has taken place. This system sometimes includes copies of the completed report by the S & I Division. These records include: personal statements of any arrests, indictments and convictions-SBA Form 912, allegations of irregularities, informants statements from outside investigative sources, recommendations from the field offices and related correspondence.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6), 15 U.S.C. 645(a), 18 U.S.C. 1001.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

> In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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 such proceedings or in settlement negotiations.

These records may be used to provide data to the General Accounting Office for periodic reviews of this Agency.

These records may routinely be disclosed to other Federal agencies, in response to their requests, in connection with conducting background checks. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and index cards.

Retrievability: These records are indexed by the name of the individual to be investigated.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Some offices retain these records for two years and then destroy them, while other offices retain these records until the irregularities are resolved.

System manager(s) and address: Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office records
District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency personnel, third party informants and the FBI and other investigative Government agencies.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, 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. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to prevent subjects of investigations from frustrating the investigatory process.

SBA370

System name: Settlement and Compromise—SBA370

System location: Central Office, Regional Offices, Miami District Office, Louisville District Office, Birmingham District Office. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of SBA Disaster Home Loans.

Categories of records in the system: Records include listings of loans considered for compromise, case records and financial information relating to compromises of loans, settlement agreements and notices of compromise on loans.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 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 such proceedings or in settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by name of borrower.

Safeguards: Access to and use of these records are limited to those persons whose duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Borrowers, Loan Case Files, Agency Compromise Committees, other Agency personnel.

SBA375

System name: Small Business Person Awards—SBA375

System location: Central, Regional and District Offices of the SBA. See Appendix A for addresses.

Categories of individuals covered by the system: Loan recipient candidates and winners of the Small Business Person of the Year Awards and Community Development Awards.

Categories of records in the system: This system of records contains information relating to the candidacy and selection of Small Business Person of the Year in SBA District and Regional Offices. These records include applications, biographical summaries, correspondence, recommendations and narratives of business and civic successes. The record of Community Development Awards in the Central Office includes biographical and qualifying information as well as recommendations from SBA field offices.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide information to the news media for public disclosure of the name, address and biographical statement of the recipients of the awards.
To communicate with officials in State and local government as to the status of a particular candidate.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders.

Retrievability: These records are retrievable by individual name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records may be retained from one to ten years.

System manager(s) and address: Privvcy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom record pertains, recommendations from various individual sponsors, Advisory Council members, Agency personnel, research publications directories, news media.

SBA380

System name: Standards of Conduct Files—SBA380

System location: SBA Central Office, all Regional Offices, various District Offices. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees.

Categories of records in the system:

Confidential statement of employment and financial interests made by employees Grade 13 and above, and by Grade 12 Branch Managers.
Ad Hoc Committee decisions and memoranda concerning standards of conduct questions used as precedent for later decisions. (Central Office only.)
Correspondence concerning conflicts of interest.
Listing of all SBA employees who have been indicted or convicted in matters involving SBA business.

Authority for maintenance of the system: 13 C.F.R. 105.735 enacted pursuant to the Small Business Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a system of records maintained by this Agency to carry out its function 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 the 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 investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.
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 such proceeding or in settlement negotiations.
Records contained in this system may be forwarded to the Civil Service Commission when requested.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders which are stored in file cabinets or safes.

Retrievability: Records are retrieved by the name of the employee.

Safeguards: Access is strictly limited to those employees with a need to use these records in performing their duties.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the

reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Information in the confidential statement of employment and financial interests is collected from the employee himself. Any adverse information could come from other employees or from a member of the general public with specific knowledge of the matter reported.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record compiled for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, 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. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and maintain access to sources necessary in making determinations of suitability.

SBA385

System name: Tort Claims—SBA385

System location: Central Office and Federal Records Centers, at addresses listed in Appendices A and B.

Categories of individuals covered by the system: Government employees and other individuals involved in accidents.

Categories of records in the system: This record contains reports on accidents which result in tort claims involving the Government.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 42 U.S.C. 3211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a tort claim results in a court suit, these records will be referred to the Department of Justice for handling of the suit and used in the preparation and presentation of the case.

These records are used in reporting on accidents and tort claims to the General Services Administration.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by the names of persons involved in the accident.

Safeguards: Records are kept in a locked cabinet. Access to and use of these records is limited to persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized dusclosure.

Retention and disposal: Records are retained for one year, then sent to a Federal Records Center, where they are retained for five years and then destroyed.

System manager(s) and address: Privacy Act Officer. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address is contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individuals involved in accident, witnesses, investigation of the accident.

SBA390

System name: Transfer of Loan Records—SBA390

System location: District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records reports the transfer of loan case files from one division of the Small Business Administration to another division, or to the Federal Records Center.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

To provide information to the Federal Records Center, as needed, to locate a Loan Case File.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office records
Branch Manager for Branch Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Loan Case Files, Agency employees.

SBA395

System name: UCC Refiling and Financial Statements Due—SBA395

System location: District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

Categories of individuals covered by the system: Recipients of Disaster Home Loans.

Categories of records in the system: This system of records lists information relating to recipients of Disaster Home Loans. Records include record of due dates for financial statements and expiration dates of UCC lien filings.

Authority for maintenance of the system: 5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in file folders and binders.

Retrievability: Records are indexed by recipient name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Records are retained for no more than three years, then destroyed.

System manager(s) and address: District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

District Director for District Office Records
Branch Manager for Branch Office Records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, Agency employees, and Loan Case File.

SBA400

System name: Union Membership—SBA400

System location: Denver Regional Office, Miami District Office, Little Rock District Office, Minneapolis District Office. See Appendix A for addresses.

Categories of individuals covered by the system: SBA employees who are members of the Union.

Categories of records in the system: This is a list of employees who are members of the Union or who have signed authorizations for payroll withholding of Union dues.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, Collective Bargaining Agreement with the Union which represents SBA employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system might be reviewed by the Civil Service Commission in the course of a personnel management evaluation of the office.

Records may be used in communications with the Union regarding dues withholding or other Union business.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are maintained in file folders.

Retrievability: Records are alphabetical by the name of the member of the Union or person who has signed a dues withholding authorization.

Safeguards: Personnel screening is utilized to prevent unauthorized disclosure.

Retention and disposal: These records are maintained indefinitely.

System manager(s) and address: Regional Director or District Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Regional Director for Regional Office Records
District Director for District Office Records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individuals on whom record is maintained, Union, Computer print-out on payroll deductions.

SBA405

System name: Unofficial Personnel Files—SBA405

System location: Maintained by individual divisions and branches of the SBA Central Office, as well as all SBA Regional, District, and Branch Offices. For addresses, see Appendix A.

Categories of individuals covered by the system: SBA employees, both active and separated.

Categories of records in the system: This system contains a number of records pertaining to an individual's employment at SBA These records include Time and Attendance cards, authorizations for overtime, records of leave, training requested and attended, travel itineraries and vouchers, copies of Personnel actions, requests for Personnel actions, Position Descriptions, copies of official performance evaluations, copies of letters of commendation and retirement, personal information for use in emergencies.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101; 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; 5 U.S.C. 5701-09.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: These records are maintained in either file folders, binders or card indexes which are located in file cabinets or on the desk of the responsible employee.

Retrievability: Records are indexed by the employee's name, Social Security number, or other personal identifier.

Safeguards: Personnel screening - information released to authorized persons on a need to know basis only.

Retention and disposal: There is no official Agency policy on retention of these records. Most of the records are maintained for up to three years.

System manager(s) and address: Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
District Director for District Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Individual to whom the record pertains, SBA Office of Personnel, Supervisor of the respective branch or division, Payroll section of SBA.

SBA410

System name: Upward Mobility Files—SBA410

System location: Central Office, Denver Regional Office, San Francisco Regional Office. For addresses see Appendix A.

Categories of individuals covered by the system: SBA employees who have applied for jobs within the Agency under the Upward Mobility Program.

Categories of records in the system: These records include applications of candidates for higher jobs in the Agency, appraisals by supervisors of qualifications of candidate, ratings by Personnel staff, roster of best-qualified candidates.

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:

Information in these records may be communicated to the Union which represents SBA employees.

Information in these records may be given to the Civil Service Commission for the processing of personnel matters.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records are kept in file folders.

Retrievability: Records are indexed by employee name or job vacancy

Safeguards: Access to and use of these records is limited to those

persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Privacy Act Officer, Regional Directors. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
Regional Director for Regional Office records
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reason for contesting it and the proposed amendment to the information sought.

Record source categories: Applicants, supervisors of applicants, Agency Personnel Office, Agency officials responsible for selecting applicants.

SBA415

System name: Virginia Attorneys—SBA415

System location: Richmond District Office, at address listed in Appendix A.

Categories of individuals covered by the system: Attorneys in private practice in Virginia who do title work or SBA work.

Categories of records in the system: Record contains names and addresses of attorneys and a designation as to whether attorney is approved or unapproved. This record is used as a guide to reliability of attorneys, as to what assurances will be required on title opinions given by these attorneys.

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: Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Record is maintained in a loose-leaf notebook.

Retrievability: List is alphabetical within categories by locality.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

Retention and disposal: Record is updated continuously and retained indefinitely.

System manager(s) and address: District Director. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director, at the address contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Lawyer's Title Company, SBA personnel.

SBA420

System name: Work Progress Reports—SBA420

System location: SBA Central Office. The following SBA District Offices: Providence, RI; Seattle, Wash.; Detroit, Mich.; Birmingham, Ala.; Minneapolis, Minn.; Miami, Fla.; Columbus, Ohio; Anchorage, Ak.; Honolulu, Hawaii. The following SBA Branch Offices: Harrisburg, Pa.; Springfield, Ill. Addresses for these offices may be found in Appendix A.

Categories of individuals covered by the system: SBA employees

Categories of records in the system: These records include: Individual work reports showing how an employee's time was expended; Project control sheets; Project status reports; Summary of loan officers' activity; Record of loans processed by loan officers.

Authority for maintenance of the system: 15 U.S.C. 634(b)(6), 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: For internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Storage: Records maintained in file folders, which are stored in desk drawers or in file cabinets.

Retrievability: Records are indexed by employee's name.

Safeguards: Personnel screening. Information released to authorized personnel on a need to know basis.

Retention and disposal: Records in this system are retained indefinitely.

System manager(s) and address: Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records
District Director for District Office records
Branch Manager for Branch Office records.
The addresses of these offices are contained in Appendix A.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Employee on whom the file is maintained, the employee's supervisor, production control clerk.

SBA425

System name: Federal Personnel Career Administration Program Files—SBA425.

System location: Central Office.

Categories of individuals covered by the system: SBA employees

Categories of records in the system: Civil Service Commission Standard 171 forms and SBA mobility forms.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide Program Evaluation Staff with information to help place qualified individuals in appropriate vacancies, and to determine what areas in Personnel need to be stressed in the individual's orientation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in notebooks in locked steel cabinets.

Retrievability: Records are coded according to grade.

Safeguards: Information released to authorized personnel on a need to know basis.

Retention and disposal: Records are maintained until employee leaves the Agency, then destroyed.

System manager(s) and address: Director of Personnel, Central Office. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Forms submitted directly by employees.

SBA430

System name: Executive Inventory Record—SBA430.

System location: Central Office.

Categories of individuals covered by the system: SBA employees at GS–15 to GS–18.

Categories of records in the system: Executive Inventory Record (Application of Employment).

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide a system for maintaining records of SF-161's submitted to the Civil Service Commission when considering candidates for supergrade vacancies from Executive Inventory Register. To be used by Employment Division and by Civil Service Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored in steel file cabinet.

Retrievability: Records are listed alphabetically as Executive Inventory Records.

Safeguards: Information released to authorized personnel only.

Retention and disposal: Records are maintained until employee leaves the Agency.

System manager(s) and address: Chief, Employment Division, Central Office. See Appendix A for address.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Applicants.

SBA435

System name: Executive Development Records—SBA435.

System location: 8115 Fenton Street, Silver Spring, Maryland 20910.

Categories of individuals covered by the system: Applicants and participants in The Executive Development Program.

Categories of records in the system: SBA forms 1036 and 1038, SBA 171, SBA 1075A, miscellaneous forms evaluating assignments, and certificates of training completed.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide records, back-up information and all pertinent information on participants in SBA Executive Development Program in one place for reference purposes. To be used by members of training staff, members of The Executive Manpower Resources Board, and their supervisors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in file folders in locked steel cabinet.

Retrievability: Records are filed alphabetically.

Safeguards: Files are locked when not in use, and are released to authorized personnel only.

Retention and disposal: In accordance with SOP- 00-41.

System manager(s) and address: Chief, Training Division, 8115 Fenton Street, Silver Spring, Maryland 20910.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Primarily from employee completion of Forms 1036 and their supervisors' completion of Form 1037.

SBA440

System name: Documentation of Supervisory Training—SBA440.

System location: 8115 Fenton Street, Silver Spring, Maryland 20910.

Categories of individuals covered by the system: Persons occupying first-level supervisory positions in the Agency.

Categories of records in the system: SBA Form 1138.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To determine who must receive training and to plan and schedule such training in order to meet Agency Supervisory training needs. To be used by employee, supervisor, and Office of Personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in file folders in steel file cabinet.

Retrievability: Filed alphabetically by employee name.

Safeguards: Information released only to authorized personnel on need to know basis.

Retention and disposal: In accordance with SOP-00-41.

System manager(s) and address: Chief, Training Division, 8115 Fenton Street, Silver Spring, Maryland 20910.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Primarily from employee completion of Form 1138, and review of their Official Personnel Folder.

SBA445

System name: Freedom of Information Act and Privacy Act Case Files—SBA445.

System location: Central Office.

Categories of individuals covered by the system: Persons who have requested information or filed appeals under either of the Acts.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To provide a system for maintaining records of initial requests and appeals under the Freedom of Information Act, and of initial requests, requests for amendments to record, and appeals under the Privacy Act. The records are used by the staff of the

Freedom of Information and Privacy Act office to review individual cases, and to keep a chronological log so as to comply with statutory time limitations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is maintained in folders in locked steel cabinet.

Retrievability: Files are alphabetical by name.

Safeguards: Information released to authorized personnel only.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Freedom of Information and Privacy Act Officer, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

Notification procedure: An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures: In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed above, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Most of file consists of correspondence submitted directly to and replies from the Small Business Administration.

[FR Doc.77-23548 Filed 9-22-77;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

PRIVACY ACT OF 1974

Systems of Records; Annual Publication

In accordance with 552a(e)(4) of the Privacy Act of 1974, the United States Railway Association hereby publishes the systems of records currently maintained by the Association. No changes have occurred since the last annual publication on December 13, 1976, 41 FR 54471.

Alan L. Dean,
Vice President for Administration.

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USRA 75.2

System name: Employment and Financial Interest Records 75.2-USRA

System location:

General Counsel
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: Employees of the U.S. Railway Association and ConRail

Categories of records in the system: Contains name, SSAN, position title, statement as to other employment and financial interests, creditors, interest in real property, and names and addresses of others having such information.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Determination of conflict of interest

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in secure metal file cabinets

Retrievability: By name of individual

Safeguards: Accessable only to personnel designated by the General Counsel. No statement may be disclosed to any person outside the Association except as the General Counsel may determine for good cause shown, and then only after notice to the effected employee.

Retention and disposal: Records are retained indefinitely. File will be transferred to the appropriate records depository at termination of USRA organization.

System manager(s) and address:

General Counsel
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: 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, S.W.
Washington, D.C. 20595

Contesting record procedures: 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 provision of such additional information.

Record source categories: The individuals themselves and the persons to contact whose names they provided.

USRA 75.3

System name: Employment Application File 75.3-USRA

System location:

Personnel Office of the U.S. Railway Association
2100 Second Street, S.W.,
Washington, D.C. 20595

Categories of individuals covered by the system: Applicants for employment with USRA or the Consolidated Rail Corporation

Categories of records in the system: Contains name, address, phone number, position and salary interest, salary and job history for those individuals who have applied for employment. Contains correspondence and resume from applicants.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 310, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review by USRA or ConRail offices having manpower requirements for possible employment consideration.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders

Retrievability: Files are in order by type of position applied for and therin in alphabetical order by last name.

Safeguards: Files are located in lockable metal file cabinets in secure rooms with access limited to those whose official duties require access.

Retention and disposal: Files are retained indefinitely. Files will be returned to the applicants or destroyed at termination of USRA organization.

System manager(s) and address:

Chief, Personnel Operations
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: 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, S.W.
Washington, D.C. 20595

Contesting record procedures: 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 provision of such additional information.

Record source categories: Contains only information submitted by the applicants.

USRA 75.4

System name: Library Records System 75.4-USRA

System location:

Document Center of the U.S. Railway Association
2100 Second Street, S.W.,
Washington, D.C. 20595

Categories of individuals covered by the system: Employees and consultants of USRA who have borrowed a document

Categories of records in the system: Contains name, office, extension, document title, accession number, and date document was charged out

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Review by USRA Document Center personnel for document location and control

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 5 x 8 cards in steel filing cabinets

Retrievability: By name of borrower

Safeguards: Files are accessable by Document Center personnel only

Retention and disposal: Records are retained until the document is returned

System manager(s) and address:

Chief, Document Center
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: 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, S.W.
Washington, D.C. 20595

Contesting record procedures: 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 provision of such additional information.

Record source categories: Contains only information submitted by the individuals themselves.

USRA 75.5

System name: Payroll 75.5-USRA

System location:

Accounting Office
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: USRA Employees

Categories of records in the system: Contains name, address, phone, employee number, salary information, payroll deductions, name and address of emergency contact, birth date, leave hours, SSAN.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Payroll, deductions, statistical reports, audit, tax computations

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In computer data files and listings thereof and in hard copy form in lockable metal file cabinets.

Retrievability: Normally by name within USRA Cost Center, but possibly by any data element

Safeguards: Records are accessable only by persons authorized by the Assistant Comptroller

Retention and disposal: Hard copy records will be retained indefinitely. Files will be transfered to the appropriate records depository at termination of USRA Organization. Computer records are retained for the life of the data processing contract and destroyed thereafter.

System manager(s) and address:

Assistant Comptroller
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: 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, S.W.
Washington, D.C. 20595

Contesting record procedures: 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 provision of such additional information.

Record source categories: The individuals, personnel files.

USRA 75.6

System name: Personnel Records 75.6-USRA

System location:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Categories of individuals covered by the system: USRA and Consolidated Rail Corporation employees

Categories of records in the system: Contains employment applicant records, personnel actions, salary information, fringe benefits records, resumes, background and credit reference contacts. Records include name, address, SSN, education, professional activities, military services, employment record, references and miscellaneous information.

Authority for maintenance of the system: Title 5 USC 1301, Title 44 USC 3101, PL 93-236

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Process personnel actions, statistical reports, special reports to Congress and General Accounting office, prepare name and organizational lists for phone book, professional staff directory.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Cardex, file folders in lockable metal cabinets in secure room.

Retrievability: By name

Safeguards: Files accessable only to Office of Personnel staff who have a need-to-know.

Retention and disposal: Files are retained indefinitely. Files will be transferred to the appropriate records depository at termination of USRA organization.

System manager(s) and address:

Chief, Personnel Operations
Office of Personnel
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Notification procedure:

Vice President for Administration
U.S. Railway Association
2100 Second Street, S.W.
Washington, D.C. 20595

Record access procedures: 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 dis-

closure 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, S.W.
Washington, D.C. 20595

Contesting record procedures: 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 of 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 provision of such additional information.

Record source categories: Employee, employee provided contacts.

[FR Doc.77-27903 Filed 9-22-77;8:45 am]

Title 5—Administrative Personnel

CHAPTER IV—ADVISORY COMMITTEE ON FEDERAL PAY

PART 1410—RULES AND REGULATIONS TO IMPLEMENT THE PRIVACY ACT OF 1974

Sec.

1410.1 Purpose and scope.
1410.2 Definitions.
1410.3 Procedures for access of an individual to his or her own records in a record system.
1410.4 Times, places and requirements for the identification of the individual making a request.
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1410.6 Access to the accounting of disclosures from records.
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1410.8 Agency review of request for correction or amendment of the record.
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1410.10 Disclosure of record to a person other than the individual to whom the record pertains.
1410.11 Fees.

AUTHORITY: Pub. L. 93-579; 5 U.S.C. 552a.

§ 1410.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Advisory Committee on Federal Pay (hereafter known as the Committee) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1410.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Committee, including but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Committee 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; and

(e) 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.

§ 1410.3 Procedures for access of an individual to his or her own records in a record system.

An individual shall submit a request to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW., Washington, D.C. 20006, in person or in writing, to determine if a system of records named by the individual contains a record pertaining to the individual, or if the Committee maintains any systems of records which pertain to the individual. The individual shall submit a request to the Administrative Assistant of the Committee which states the individual's desire to review his or her record. Individuals who require assistance in identifying systems of record, or in preparing requests identifying systems of record for access, or who need assistance in requesting amendments, may address such requests to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW., Washington, D.C. 20006.

§ 1410.4 Times, places and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Assistant of the Committee pursuant to Section 1410.3 shall present the request at the Committee offices, Suite 205, 1730 K Street NW., Washington, D.C. 20006, on any business day between the hours of 8:15 a.m. and 4:45 p.m., or in writing. The individual submitting the request should present himself or herself at the Committee's offices with a form of identification which will permit the committee to verify that the individual is the same individual as contained in the record requested, such as a valid driver's permit, employee identification card, or Medicare card, or a signed statement from the individual asserting his or her identity and stipulating that he or she 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. If the individual seeks access by mail, the Committee will require similar identification as required of those persons requesting access to records in person, or by identifying data such as name, date of birth, or system personal identifier (if known to the individual). Requests for access to systems of record will be acknowledged within ten days of receipt. The acknowledgment ill indicate whether or not access can be granted and, if so, that it will be within a 30-day period unless, for good cause shown, the Committee is unable to do so.

§ 1410.5 Grant to an individual of access to his or her own records.

Upon verification of identity either in person or in written form to the Administrative Assistant of the Committee, Suite 205, 1730 K Street NW., Washington, D.C. 20006, and in accordance with the identification provisions of § 1410.4, the Committee shall grant access to the individual the information contained in the record which pertains to that individual. The individual may be accompanied for the purpose by a person of his or her choosing. Upon request of the individual to whom the record pertains, all information in the accounting of disclosures will be made available. If, for any unforeseen circumstances, or in an unusual situation when it may be necessary to deny a person access, the individual will be advised of the reasons therefor, and his or her right to judicial review under 5 U.S.C. 552a(f)(4).

§ 1410.6 Access to the accounting of disclosures from records.

The Privacy Act requires that with some limited exceptions individuals may request access to a list of those to whom records about them have been disclosed. Individuals seeking access to the accounting of disclosures from records pertaining to them should follow the same procedures as established above for access to the records themselves (see §§ 1410.3, 1410.4, 1410.5).

§ 1410.7 Request for correction or amendment to the record.

The individual should submit a request to the Administrative Assistant of the Committee which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 1410.4.

§ 1410.8 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Administrative Assistant of the committee will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment or any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Committee for the individual to request a review of that refusal. Corrections or amendments will be sent to prior recipients of the record in question, to the extent that the Committee has an accounting of the disclosure of the record of that information.

§ 1410.9 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Administrative Assistant of the Committee to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman of the Advisory Committee on Federal Pay, Suite 205, 1730 K Street NW., Washington, D.C. 20006. The chairman will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Committee a concise statement setting forth the reasons for his or her disagreement with the refusal of the Committee and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1)(A). A copy of the corrected record or statement of dispute will be provided to prior recipients of the information in question, to the extent that the Committee has an accounting of the disclosure of that information.

§ 1410.10 Disclosure of record to a person other than the individual to whom the record pertains.

The Committee will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, except as required or permitted under 5 U.S.C. 552a(b).

§ 1410.11 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page for any copying charges in excess of $25.00. In cases of indigency, the Committee may waive such fees. In cases where copying charges exceed $25.00, advance payment will be required.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 293—PERSONNEL RECORDS AND FILES

Subpart A—Basic Policies on Maintenance of Personnel Records and Files

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AUTHORITY: 5 U.S.C. 552a; 3 CFR 1954–1958 Comp., p. 205.

Subpart A—Basic Policies on Maintenance of Personnel Records and Files

§ 293.101 Purpose.

(a) The purpose of this subpart is to set forth the basic policies for governing the establishment, maintenance, and use of personnel records and files for which the Civil Service Commission is responsible in accordance with 5 U.S.C. 552a. This subpart applies to any department and independent establishment in the executive branch of the Federal Government, including a Government corporation or Government controlled corporation, except the Central Intelligence Agency and the Federal Bureau of Investigation.

(b) In this subpart:

(1) "Record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to education, financial transactions, medical history, and criminal or employment history, when such information contains a name, or an identifying number, symbol, or other identifying particular assigned to an individual, such as a finger or voice print or photograph;

(2) "System of records" means a group of any records under the control of any agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to an individual;

(3) "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;

(4) "Personnel record" means any personal information maintained in a system of records as defined in paragraph (b)(2) of this section that is needed at all echelons of management for personnel management programs or processes such as staffing, employee development, retirement, and grievances and appeals; and

(5) "Commission" means Civil Service Commission.

§ 293.102 Responsibility.

(a) Each Government agency is responsible for collecting and maintaining records associated with its personnel management program. The Commission is responsible for leadership in those areas of personnel policy and operations that must be uniform Government-wide.

(b) Specifically, the Commission is responsible for managing major Government-wide systems of personnel records as required by statute or Executive Order. For each system of personnel records the Commission:

(1) Prescribes the contents, format, or methods of keeping the records; and

(2) Requires agencies or Commission offices to maintain and retrieve the records by individual name or identifying number.

(c) In accordance with paragraphs (b)(1) and (2) of this section, the Commission is responsible for the following specific Government-wide systems of personnel records:

(1) Appeals, Grievances, and Complaints Records;

(2) Confidential Employment and Financial Interest Statements,

(3) General Personnel Records;

(4) Personnel Investigations Records; and

(5) Recruiting, Examining, and Placement Records.

(d) In addition, the Commission is responsible for systems of records on individuals that it maintains and uses entirely within the Commission. These systems of records are as follows:

(1) Defense Mobilization Emergency Cadre Records.

(2) Civil Service Retirement Records.

(3) Executive Assignment and Inventory Records.

(4) Federal Executive Development Program Records.

(5) Litigation and Political Activity (Hatch Act) Records.

(6) Motor Vehicle Operator and Accident Report Records.

(7) Pay, Leave, and Travel Records.

(8) Personnel Research Test Validation Records.

(e) Each agency is responsible for maintaining and controlling systems of personnel records, in addition to those specified in paragraph (c) of this section, that it keeps, prescribes, or controls, including:

(1) Personnel records maintained by agencies that are supplemental or related to the Government-wide systems of personnel records for which the Commission is responsible, but are not specifically required by the Commission.

(2) Personnel records maintained by agencies that are retrieved by individual name or identifying number as an agency convenience when the Commission does not require agencies to keep the records in that manner.

§ 293.103 Publication of annual notices.

(a) A notice of the existence of personnel records meeting the definition of a system of records as defined in this part shall be published annually in the format prescribed by the General Services Administration in the FEDERAL REGISTER, and 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 purposes of such use;

(5) The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(6) The title and business address of the agency official who is responsible for the system of records;

(7) The agency procedures whereby an individual can request and receive notice as to whether the system of personnel records contains a record pertaining to him;

(8) The agency procedures whereby an individual can learn how access can be gained to any record pertaining to that individual in a particular system of personnel records, and the procedure for correcting or contesting its content; and

(9) The categories of sources of records in the system.

(b) All systems of personnel records that are maintained by an agency are subject to the requirement to publish an annual descriptive notice. The Commission is responsible for publishing notices describing the systems of records for which it is responsible as outlined in § 293.102. Agencies are responsible for publishing notices describing any systems of personnel records that they maintain other than those outlined in § 293.102(c).

§ 293.104 New uses of information.

(a) Whenever there is a change in the routine use of a system of personnel records published previously in accordance with § 293.103, but at least 30 days prior to the publication of the next annual notice, the responsible agency or the Commission shall publish in the FEDERAL REGISTER, in accordance with 5 U.S.C. 553, a notice of intention to establish a new routine use for the system of records. The notice shall contain the following information:

(1) The name of the system of personnel records for which the new routine use is to be established;

(2) The authority for the system of personnel records;

(3) The purpose for which the record is to be maintained;
(4) The proposed new routine use or uses;
(5) The purpose of new routine use or uses; and
(6) The categories of recipients for each use.

Agencies shall publish routine uses in advance for all systems of personnel records for which they are responsible. The Commission will publish such notices for systems of records for which it is responsible. Agency requests for additional routine uses for systems of personnel records for which the Commission is responsible must be sent to:

Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street N.W., Washington, D.C. 20415.

§ 293.105 Content of systems of personnel records.

Agencies shall maintain in systems of personnel records only information about an individual that is relevant and necessary to accomplish the personnel administration purposes of the agency required by statute or Executive Order. Agencies shall identify the specific provision in law which authorizes them to maintain or propose to maintain information in a system of personnel records. Authority to maintain a system of personnel records does not give the agency the authority to maintain any information merely because that information may be useful, but instead permits the maintenance of information which is relevant and necessary. Agencies should test each item in a system to ensure that it is both relevant and necessary. The Commission shall identify in Chapter 297 of the Federal Personnel Manual those statutes, Executive Orders, or other authorities which authorize agencies to maintain personal information in systems of personnel records that are required by the Commission. All other items of information recorded in systems of personnel records shall be similarly identified in an internal publication by the agency.

§ 293.106 Reports concerning changes to systems of personnel records.

(a) Agencies shall provide to Congress, the Office of Management and Budget, and for the period of its existence, the Privacy Protection Study Commission, advance notice of any proposal to establish or alter any system of personnel records. This report will be submitted in accordance with guidelines provided in the Office of Management and Budget/ Circular No. A-108.

§ 293.107 Use of the Social Security Account Number in personnel systems of records.

(a) Agencies shall not deny any individual any right, benefit, or privilege provided by law or the Commission because of an individual's refusal to provide his or her Social Security Account Number.
(b) The provisions of paragraph (a) of this section shall not apply with respect to the disclosure of a Social Security Account Number to any agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute, Executive Order, or regulation adopted prior to such date to verify the identity of an individual.
(c) Agencies will assure that a written explanation is distributed to each individual when an individual is requested to disclose his or her Social Security Account Number on a personnel form or document. The written explanation shall include:
(1) The use or uses that will be made of the Social Security Account Number;
(2) The statute or authority under which the Social Security Account Number is solicited; and
(3) Whether the disclosure of the Social Security Account Number is mandatory or voluntary.

§ 293.108 Collection of personal information from individual concerned.

Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under Federal personnel programs should, to the extent practicable, be collected directly from the subject individual. Agencies should use information collected from the individual, such as that provided by the individual in the application for employment, unless: (a) The nature of the information is such that it can only be obtained from a third party; (b) the cost of collecting the information directly from the individual is unreasonable when compared with the cost of collecting it from a third party; (c) there is no risk that information collected from third parties, if inaccurate, could result in an adverse determination to the individual concerned; (d) the information supplied by an individual must be verified by a third party; or (e) provisions are made to verify with the subject individual information collected from a third party.

§ 293.109 Restriction on maintenance of certain records.

Personnel records describing how individuals exercise rights guaranteed by the First Amendment are prohibited unless specifically authorized by statute, or by the individual concerned, or unless pertinent to and within the scope of an authorized law enforcement activity. The exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech and the press, and freedom of assembly and to petition.

§ 293.110 Rules of conduct.

It is the responsibility of the head of each agency to assure that persons involved in the design, development, operation, or maintenance of any system of personnel erocrds are informed of all requirements to protect the privacy of the individuals who are subjects of the records. Employees should be informed of all the implications of their actions in this area, including especially:
(a) That criminal penalties are provided under 5 U.S.C. section 552a for knowingly and willfully disclosing a record about an individual without the written consent or the written request of that individual, or unless disclosure is for one of the reasons listed under section 297.109 of this chapter; and
(b) That the agency may be subject to civil suit due to failure to comply with the provisions of §§ 297.105, 297.108, 297.111, and 297.112 of this chapter.

§ 293.111 Safeguarding personal information about individuals contained in manual personnel record systems.

In order to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to the security or integrity of such records, each agency shall:
(a) Establish administrative, technical, and physical controls to protect personal information about individuals contained in manual personnel records from unauthorized access or disclosure. Each agency shall designate an official assigned to a location where personnel records are stored who shall be responsible for providing protection and accountability for such records at all times and insuring that personnel records are secured in appropriate containers whenever they are not in use or under direct control of authorized persons. Personnel records may be used, held, or stored only where facilities or conditions are adequate to prevent unauthorized access. Whenever personnel records are not under the personal control of an authorized person, they must be stored in lockable metal filing cabinets or in a secured room. Alternative storage facilities may be employed, provided they furnish an equivalent or greater degree of physical security than the cited methods.
(b) Access to and use of personnel records shall be permitted only to persons whose official duties require such access or, pursuant to § 297.109 of this chapter, to a person to whom the personnel record pertains or to his or her designated personal representative. To the extent feasible, access to areas where personnel records are stored will be limited to only those persons whose official duties require work in such areas. Proper control of personnel records shall be maintained at all times, including an accounting of their removal from the storage area.
(c) Each agency shall assure that all persons whose official duties require access to and use of personnel records are adequately trained to protect the security and privacy of personnel records.
(d) The disposal and destruction of personnel records shall be in accordance with General Records Schedule 1 promulgated by the General Services Administration or, alternatively, with any agency records control schedules approved by the National Archives and Records Service of the General Services Administration.

§ 293.112 Safeguarding data about individuals contained in automated record systems.

(a) Each agency shall establish ad-

ministrative, technical, physical, and security safeguards to prevent unauthorized disclosure, modification, or destruction of identifiable personal data in automated systems of records. These safeguards shall apply to all automated systems that contain personal data traceable to individuals, including all reports and outputs from those systems which contain identifiable personal data. The safeguards must be sufficient to (1) prevent careless, accidental, or unintentional disclosure, modification, or destruction of identifiable personal data; (2) minimize the risk that skilled technicians or knowledgeable persons could improperly obtain access to, modify, or destroy identifiable personal data; and (3) to prevent casual entry by unskilled persons who have no official reason for access to such data. Each agency shall designate an official assigned to a location where automated identifiable personal data are processed, stored, or mantained, who shall be responsible for the protection and accountability of all personal data in automated systems, including input and output documents, punched cards, and magnetic tapes, disks, or records.

(b) Identifiable personal data may be processed, stored, or maintained by automated data systems only where facilities or conditions are adequate to prevent unauthorized access to identifiable personal data in any form. Whenever identifiable personal data, including input and output documents, punched cards, and magnetic tapes or disks are not under the personal control of an authorized person, such data must be stored in adequate locked containers or in a secured room. These are minimum requirements; however, more stringent physical security controls may be employed.

(c) Access to and use of identifiable personal data associated with automated data systems shall be limited to those persons whose official duties require such access. At all times and in whatever form the data might appear, effective control shall be exercised over identifiable personal data associated with automated systems.

(d) Each agency shall provide adequate training to all persons whose official duties require access to, processing, or maintenance of identifiable personal data in automated systems in order to achieve the security and privacy of personal data.

(e) The disposal of identifiable personal data is to be accomplished in such a manner as to make the data unobtainable to unauthorized personnel. Unneeded personal data stored on reusable media such as magnetic tapes must be erased prior to release of the media for other uses.

§ 293.113 Accounting of the disclosures of personnel records.

(a) Unless made pursuant to paragraphs (a) or (b) of § 297.109 of this chapter, all disclosures of records covered by this section shall be accounted for by keeping a written record of the following information: (1) Description of the record disclosed; (2) the date, nature, and purpose of each disclosure of a record to any person or to another agency; and (3) the name and address of the person to whom the disclosure is made. No accounting is necessary for information disclosed pursuant to Part 294 of this chapter.

(b) The accounting of disclosures may be recorded in any system an agency determines is sufficient for this purpose. However, the agency must be able to construct from its system a listing of all disclosures. The accounting should provide a cross-reference to the justification or basis upon which the release was made, including any written documentation required when records are released for statistical or law enforcement purposes. The agency must retain the accounting for five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(c) For purposes of this part, the system of accounting of disclosures is not a system of records under the definition in § 293.101(b) and no accounting need be maintained for disclosure of the accounting of disclosures.

§ 293.114 Annual report.

By April 30th of each year, agencies will submit to the Office of Management and Budget, with a copy to the Commission, a report covering activities under the Privacy Act of 1974 as they relate to personnel records. Agencies shall follow the instructions issued by the Office of Management and Budget for submitting the report.

PART 297—PROTECTION OF PRIVACY IN PERSONNEL RECORDS

Subpart A—Records Maintained on Individuals

Sec.

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AUTHORITY: (5 U.S.C. 552a); sec. 4, E.O. 10561; 3 CFR 1954–1958 Comp., p. 205.

Subpart A—Records Maintained on Individuals

§ 297.101 Purpose.

The purpose of this part is to set forth the basic policies of the Commission on protection of individual privacy in regard to personnel records and files maintained within the Federal Government. This part applies to any department and independent establishment in the executive branch of the Federal Government, including a Government corporation or Government controlled corporation, except the Central Intelligence Agency and the Federal Bureau of Investigation.

§ 297.102 Definitions.

(a) All terms used in this subpart which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this subpart:

(1) The term "Act" means the "Privacy Act of 1974," Pub. L. 93–579.

(2) The term "Commission" means the Civil Service Commission.

(3) The term "inquiry" means either a request for general information regarding the Act and this subpart or a request by an individual that the Commission or an agency determine whether it has any record in a system of personnel records which pertains to that individual.

(4) The term "request for access" means a request by an individual or other authorized person to see a record which is in a particular system of records which pertains to that individual.

(5) The term "request for correction or amendment" means the request by an individual that the Commission or an agency change (either by correction, amendment, addition, or deletion) a particular record in a system of records which pertains to that individual.

(6) The term "review" means the request by an individual that an initial denial of a request be reviewed and reversed.

§ 297.103 Responsibility.

(a) Each agency is responsible for protection of individual privacy in its personnel management processes and in the systems of personnel records for which it is responsible under § 293.102 of this chapter.

(b) The Commission is responsible for protection of individual privacy in its internal personnel management processes and in the systems of personnel records for which it is responsible under § 293.102 of this chapter.

(c) With respect to the Government-wide systems of personnel records for which the Commission is responsible as defined in paragraph (c), § 293.102 of this chapter, the Commission will perform directly some of the functions required by 5 U.S.C. 552a and will rely on agencies to perform other functions under Commission policy guidelines and subject to Commission review and evaluation. The division of tasks between the Commission and agencies with respect to these Government-wide personnel records systems is set forth in Chapters 293 and 297 of the Federal Personnel Manual.

§ 297.104 Uses of information.

Agencies shall ensure that individuals

from whom information is collected about themselves are informed of the reasons for requesting the information, how it may be used, and what the consequences are, if any, of not providing the information. As a minimum, the individual should be given the following information in language which is explicit and easily understood and not so lengthy as to deter an individual from reading it:

(a) Cite the specific provisions of the statute or Executive Order, including a brief title or subject, which authorizes the agency to collect the personal information it is requesting. Inform the individual whether or not a response is mandatory or voluntary and the possible consequences of failing to respond.

(b) Cite the general purposes for which the information will be used by the agency which maintains it.

(c) Cite the special routine uses for which the information will be employed. This may be a summary of the information published in the public notice under § 293.103 of this chapter.

(d) Cite the effects on the individual, if any, of not providing any or all of the information requested.

§ 297.105 Standards of accuracy.

(a) To minimize the risk that an agency will make an unwarranted adverse personnel determination about an individual or disseminate inaccurate information about an individual, all personnel records which are used in making any such determination shall be maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.

(b) The following criteria will be used by the Commission and agencies in establishing standards of accuracy of information maintained on individuals:

(1) The factual accuracy of the information;

(2) The sufficiency of the information to make a fair and equitable determination about an individual;

(3) The relevance and necessity of the information in terms of the 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; and

(6) The degree of possibility that the vidual or being disclosed under routine uses outside the agency. Agencies must announce this opportunity by a notice to all employees at least annually.

§ 297.106 Procedures for requesting information pertaining to individual records in a system of records.

(a) Any individual may submit an inquiry to the Commission or to an agency. The inquiry should be made either in person or by mail addressed to the official identified in the notification procedures paragraph of the systems of records notice published in the FEDERAL REGISTER. An individual who believes the Commission or an agency maintains a information could unfairly result in a record pertaining to him or her, but does not know which system of records might contain such a record, can obtain assistance from a Commission office in the area where he or she resides or from an agency personnel office. A list of area offices is included in an appendix to the notice of systems of records published in the FEDERAL REGISTER.

(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, and on the letter of inquiry.

(c) The Commission has an official form for making inquiries and requests. Copies may be obtained by contacting any of the Commission's offices listed in the appendix to the notice of systems of records or from agency personnel offices.

(d) (1) The Commission or the agency will accept an inquiry whether presented in person or by mail. If the inquiry is for general information regarding the Act and this part, the requestor is not required to submit any specific information in support of the request. If the inquiry is a request that the Commission or an agency determine whether it has, in a given system of records, a record which pertains to the individual, the following information should be submitted.

(i) Name and address of the individual making the request;

(ii) Name and address of the individual to whom the record pertains, if the determination adverse to an individual.

(c) Agencies must provide, at the individual's request, an opportunity for an individual to review automated and manual personnel records that are maintained concerning the individual and that have the potential of being used in making a determination about the indirequesting individual is either the parent of a minor or the legal guardian if the individual has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction or an authorized representative of an individual as indicated in § 297.108(f) of this part;

(iii) A certified or authenticated copy of documents establishing parentage or guardianship or a notarized statement authorizing a person to request access to such records;

(iv) Name of the system of records, as published in the FEDERAL REGISTER;

(v) Such additional information as the individual knows will or believes might assist the Commission or the agency in responding to the inquiry and in verifying the individual's identity (for example, date of birth, place of birth, place of work, names of parents where applicable, dates of employment, Social Security Number, position title, etc.);

(vi) Date of inquiry; and

(vii) Individual's signature.

The Commission or agency reserves the right to require compliance with the identification procedures appearing in § 297.107 of this subpart where circumstances warrant.

(2) In compliance with 5 U.S.C. 552a (e)(3), each individual supplying the information in accordance with paragraph (d)(1) of this section hereby is informed that:

(i) 5 U.S.C. 552a authorizes solicitation of the information; disclosure is voluntary, and no penalty is attached for failure to provide the information;

(ii) The principal purpose for which the information is intended to be used is processing the inquiry under the Act;

(iii) The routine uses which may be made of the information are routine uses appearing in the notice of systems of records published in the FEDERAL REGISTER; and

(iv) The effects of not providing all or any part of the information may be to render impossible or to delay the Commission's or the agency's processing of and action on the request under the Act.

(3) If, having been made aware of the contents of paragraph (d)(2) of this section, an individual submits the information listed in paragraph (d)(1) of this section, he or she will be deemed to have made the submission on a purely voluntary and consensual basis.

(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 the Commission or agency personnel and forwarded immediately to the responsible System Manager indicated in the notice of systems of records. 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 the inquiry has been forwarded to the System Manager. In each instance when an inquiry so forwarded is received, the appropriate System Manager 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) The responsible System Manager will act promptly upon each inquiry received. The Commission or the agency will make every effort to respond within 10 days (excluding Saturdays, Sundays, and holidays) of the date of receipt. If a response cannot be made within 10 days, the System Manager shall send an acknowledgement 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.

(g) An individual shall not be required to state a reason for or otherwise justify a proper inquiry under this part.

§ 297.107 Requirements for identification of individuals making requests for access.

(a) 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 identit,. The means of proof, in order of prefer-

ence or 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 bearing the individual's signature, (for example, medicare card, unemployment insurance book, employer 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. Use of such a document may require the individual to provide further proof of identity. In the event the individual can provide no suitable documentation of identity, the Commission or the agency 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). In order to avoid any unwarranted disclosure of an individual's records, the Commission or an agency reserves the right to determine the adequacy of proof of identity offered by any individual.

(2) *Not in person.* If the individual making a request does not appear in person before a Commission or an agency official or employee authorized to determine identity, the Commission or the agency may accept any available document or evidence that makes it clear that the requestor and the subject of the record are one and the same. The Commission or the agency reserves the right to require that a certificate of a notary public or equivalent official empowered to administer oaths must accompany the request. The Commission or the agency may also 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).

(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 the record pertains shall establish his or her personal identity in the same manner prescribed in either paragraph (a) (1) or (2) of this section. In addition, such other individual shall establish his or her identity in the representative capacity of parent, guardian, or authorized representative. In the case of a parent of a minor, for proof of identity, the Commission or the agency may require a certified or authenticated copy of the minor's birth certificate. For proof of identity 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 Commission or the agency may require a certified or authenticated copy of the court's order. A parent or legal guardian may be accompanied during personal access to a record by another individual, provided the provisions of § 297.108 are satisfied.

(b) 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 Commission or agency will consider, from an individual making a request, alternative suggestions regarding proof of identity and access to records.

§ 297.108 Access to personnel records by individuals.

(a) The following procedures apply for access to personnel records by individuals:

(1) Current Federal employees should contact the System Manager indicated in the notice of systems of records in person or by mail.

(2) Former Federal employees should contact in person or by mail one of the Commission's offices, nearest to where he or she resides, indicated in the appendix to the notice of systems of records. That office will request the personnel records from the National Personnel Records Center and comply with paragraphs (b) through (h) of this section.

(3) Other individuals should contact the System Manager indicated in the notice of systems of records.

(b) Grant of access—(1) *Notification.* An individual shall be granted access to a record pertaining to him or her upon request, except where provisions of paragraph (g)(1) of this section apply. The System Manager or his designee shall notify the individual of such determination and provide the following information:

(i) The method 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 the records will remain available for inspection. In no event shall the earliest date be later than 30 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 when appropriate and pursuant to § 297.115. In no event shall the estimated date by later than 30 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 procedures set forth in paragraph (b) 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 made in the office specified by the System Manager granting access, during the hours specified.

(ii) Transfer of records to a Commission office or other Federal facility more convenient to the individual may be arranged, but only if the System Manager determines that a suitable facility is available, that the individual's access can be properly supervised at the facility, and that transmittal of the records to that facility will not unduly interfere with operations of the Commission 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 fees, when appropriate, and pursuant to § 297.115.

(c) Special procedures shall apply to disclosure of the following records:

(1) Medical information about an applicant or employee may be disclosed by the Commission or other Government agency to the applicant or employee, or a representative designated in writing, except that medical information concerning a mental or other condition of such a nature that a prudent physician would hesitate to inform a person suffering from it of its exact nature and probable outcome may be disclosed only to a licensed physician designated in writing for that purpose by the individual to whom the information pertains or his or her designated representative.

(2) Investigative records and reports shall be disclosed to the individual to whom they pertain upon his or her request to the extent permitted by the Privacy Act of 1974, except that disclosure will not be made of such material that 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. Medical information contained in investigative records and reports will be disclosed to the individual to whom it pertains unless, in the judgment of the agency, access to such information could have an adverse effect upon such individual. In such a case, the information will be made available to a licensed physician named by the requesting individual.

(3) Medical information in retirement and insurance records may be released to the individual to whom it pertains, or to such representative as he designates in writing, except that medical information which indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform an individual suffering from such a condition about its exact nature and probable outcome, shall not be released to the individual to whom the records pertain or to any individual designated by him, other than a physician designated by the individual or his guardian in writing to receive a full report of the medical evidence in his or her file, including copies of background reports of reported behavioral irregularities or manifestations of unsatisfactory service which are ordinarily obtained in connection with an application for disability retirement, and furnished as background factual evidence to Government medical institutions, psychiatrists, or other physicians who conduct the official retirement medical examination.

(4) Examination and related material shall be disclosed only under circumstances that maintain the integrity of

the competitive testing program. The test papers of a competitor may be disclosed to the competitor only during the examination except that answer sheets may be reviewed by a competitor in the office where the examination was given in the presence of a Commission employee upon request. A copy of the answer sheet will not be made available to a competitor.

(5) The Commission will disclose to the parties concerned the information contained in an appeal file established under Part 772 of this chapter, subject to the provisions for access to medical and investigative information in paragraphs (c) (1) and (2) of this section. For the purpose of this subsection, "the parties concerned" means the applicant for Government employment, Government employee, or former Government employee involved in the proceeding, his representative designated in writing, and the representatives of the agency and the Commission.

(6) The agency having custody of a discrimination complaint file established under Part 713 of this chapter, or a grievance file established under Part 771 of this chapter will disclose to the parties concerned the information contained in the file, subject to the provisions for access to medical and investigative information in paragraphs (c) (1) and (2) of this section. For purposes of this subsection, "the parties concerned" has the same meaning indicated in paragraph (c)(5) of this section.

(d) The Commission or the agency shall supply such other information and assistance at the time of access as to make the record intelligible to the individual.

(e) The Commission or the agency 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 medium such as tape or disk, 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 Commission be made available to the individual except under the immediate supervision of the System Manager or his or her designee. Title 18 U.S.C., section 2701(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or attempt 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 date and the signature of the individual to whom the record pertains. The other individual shall sign the authorization in the presence of the System Manager or his designee. 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 will be denied only upon a determination by the System Manager or his designee that:

(i) The record is subject to an exemption under § 297.117;

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding;

(iii) The provisions of paragraph (c)(1) of this section pertaining to medical records are not acceptable to the individual; or

(iv) The individual refuses to provide information necessary to process the request for access.

(2) *Notification.* The System Manager or his designee shall give notice of denial of access to records to the individual in writing and shall include the following information:

(i) The System Manager's or his designee's name and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to appropriate sections of the Act and this subpart; and

(iv) The individual's opportunities, if any, for further administrative consideration, including the title and address of the official responsible for such reviews.

(3) *Administrative review.* When an initial denial of a request is issued by the System Manager or his designee, the individual's opportunities for further consideration shall be as follows:

(i) As to denial under paragraph (g)(1)(i) of this section, the sole procedure for challenging the validity of the rule is a petition for the issuance, amendment, or repeal of a rule under 5 U.S.C. 553(e). Such petition shall be filed with the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415. Within the Commission, no such denial is administratively final until such a petition has been filed by the individual and disposed of on the merits by the Commission.

(ii) As to denial made by an agency under paragraph (g)(1)(ii), (iii), or (iv) of this section, the individual may file for review with the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, if the information is maintained in a record under the Government-wide systems of personnel records as indicated by § 293.102(c) of this chapter. As to a denial made by an official of the Commission under paragraph (g)(1)(ii), (iii), or (iv) of this section, the individual may file for review with the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, if the information is maintained in a record under the Government-wide systems of personnel records, as indicated by § 293.102(c) of this chapter, or in a system of records that is maintained and used primarily within the Commission, as indicated by § 293.102(d) of this chapter. The procedures appearing in § 297.113 shall be followed by both the individual and the Commission to the extent practicable.

(h) If a request is partially granted or partially denied, the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, or the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, as appropriate, shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 297.109 Written consent for disclosure.

Generally, an agency may not disclose any personnel record to any person or to another agency without the express written consent of the individual to whom the record pertains. Written consent is not required if the disclosure is:

(a) To officers or employees of the agency that maintains the record who have a need for the information in the official performance of their duties;

(b) Required under the provisions of the Freedom of Information Act (5 U.S.C. 552);

(c) For a routine use as published in the annual notice in the FEDERAL REGISTER;

(d) To the Bureau of the Census for purposes of carrying out activities pursuant to the provisions of Title 13;

(e) To a recipient who has provided the agency with advance adequate 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. The advance assurance must be in writing and should include as a minimum:

(1) A statement of the purpose for requesting the records; and

(2) Certification that the records will be used only for statistical purposes.

These written statements should be maintained as agency records under § 293.113 of this chapter. In addition to stripping personally identifying information from records released for statistical purposes (other than those related to disclosures under paragraph (e)), agencies shall ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records.

(f) 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 the evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(g) To another agency or unit of local, State, or Federal Government for a civil or law enforcement activity on receipt of written request from the head of an

agency or unit describing the law enforcement purpose for which the record is required and specifying which record is required. A record may be disclosed to a law enforcement agency at the initiative of the agency which maintains the record when criminal conduct is suspected, provided that such disclosure has been established as a routine use under § 293.103 of this chapter, and when the instance of misconduct is directly related to the purpose for which the record is maintained;

(h) To a person showing compelling circumstances affecting the health and safety of an individual (not necessarily the individual to whom the record pertains). Upon such disclosure, a notification of such disclosure must be sent to the last known address of the individual to whom the record pertains;

(i) To either House of Congress or to committee or subcommittee (joint or of either House) to the extent that the subject matter falls within their jurisdiction;

(j) 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

(k) Pursuant to the order of a court of competent jurisdiction.

§ 297.110 Notification of disclosure under compulsory legal process.

If a record is disclosed under a compulsory legal process under § 297.109 (g) or (k) and the issuance of the order or subpena is made public by the court which issued it, the agency or the National Personnel Records Center will make a reasonable effort to notify the individual to whom the record pertains. A notice should be sent to the individual's last known address according to the agency's files.

§ 297.111 Request for correction or amendment of record.

(a) Any individual may submit a request for correction of or amendment to a record that pertains to him or her to the Commission or an agency. The request should be made either in person or by mail to the System Manager or his designee indicated in the notice of systems of records.

(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, and the letter of inquiry.

(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 Commission or agency personnel and forwarded immediately to the responsible System Manager. A request not properly addressed by the individual will not be deemed to have been "received" for purposes of measuring time periods for response until the responsible System Manager receives it. In each instance when a request so forwarded is received, the System Manager or his designee 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 for correction or amendment normally will follow a request for access under § 297.108, the individual's identity will be established by his or her signature on the request.

(e) A request for correction or amendment should include the following:

(1) The 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 it is 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.

(f) The provisions of § 297.106(d) (2) and (3) apply to the information obtained under paragraph (e) of this section.

§ 297.112 Review of request for correction or amendment of record.

(a) (1) Not later than 10 days (excluding Saturdays, Sundays, and holidays) after receipt of a request to correct or amend a record, the System Manager or his designee shall send an acknowledgement providing an estimate of time within which action will be taken on the request. If a response cannot be made within 10 days due to unusual circumstances, the System Manager shall send an acknowledgement 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 storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, or instances where information on other individuals must be separated or deleted from the particular record. No acknowledgement 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 10 days. Requests filed in writing will be acknowledged in writing at the time submitted.

(2) Promptly after acknowledging receipt of a request, or after receiving such information as might have been requested, or after arriving at a decision in 10 days, the System Manager or his designee 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 electronic data bank); or

(ii) Inform the individual in writing that his or her request is denied and provide the following information:

(A) The System Manager's or his designee's name and title or position;

(B) The date of the denial;

(C) The reasons for denial, including citation of the appropriate sections of the Act and this part; and

(D) The procedures for review of the denial as set forth in § 297.113, including the name and address of the Director, Bureau of Manpower Information Systems, or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate. The term "promptly" in this paragraph means within 30 days (excluding Saturdays, Sundays, and holidays). If the System Manager or his designee cannot make the determination in 30 days, the individual will be advised in writing of the reasons 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 System Manager or his designee 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. This requirement does not apply to disclosures made pursuant to paragraphs (a) or (b) of § 297.109.

(c) The following criteria are examples of those that will be considered by the System Manager or his designee 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 the 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 possibility 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 specific means of correction or amendment requested by the individual.

(d) The Commission or the agency will not make an effort 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 upon a determination by the System Manager that:

(1) The information submitted by the individual is not accurate or relevant;

(2) The correction or amendment would violate an enacted statute or regulation; or

(3) The individual refuses to provide information which is necessary to process the request to correct or amend the record.

(f) If a request is partially granted and partially denied, the System Manager shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(g) When an agency detects erroneous data in an individual's personnel records or a third party source provides corrected information, it shall correct the record and provide all recipients of such record with the corrected information to the extent that it is relevant to the recipient's uses and deemed feasible to do so.

§ 297.113 Review of initial adverse determination on correction or amendment.

(a) When a request for correction or amendment has been denied initially under § 297.112, the individual may submit a written appeal within 30 days after the date of the initial denial.

(b) A request for review of a denial made by an agency shall be addressed to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, if the information is maintained in a record under the Government-wide systems of personnel records as indicated by § 293.102(c) of this chapter. A request for review of a denial made by an official of the Commission shall be addressed to the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, if the information is maintained in a record under the Government-wide systems of personnel records as indicated by § 293.102(c) of this chapter, or in a systems of records that is maintained and used primarily within the Commission as indicated by § 293.102(d) of this chapter. The processing of requests will be facilitated if the words "PRIVACY APPEAL" appear in capital letters on both the envelope and the top of the appeal papers. The request not addressed and marked as provided herein will be so marked by Commission or agency personnel when it is so identified, and will be forwarded immediately to the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, or the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, as appropriate. A request that 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 the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy has received it. In each instance when a request so forwarded is received, the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, shall notify the individual that his or her request was improperly addressed and the date when the request was received at the proper address.

(c) The individual's request papers shall include the following: a copy of the original request for correction or amendment; a copy of the initial denial; and a statement of the reasons why the initial denial is believed to be in error. The request shall be signed by the individual. The record that the individual requests be corrected or amended will be supplied by the System Manager who issued the initial denial. While the foregoing normally will comprise the entire record on request, the System Manager 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) The Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, shall act upon the request and issue a final determination in writing not later than 30 days (excluding Saturdays, Sundays, and holidays) from the date on which the appeal is received; provided that the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, may extend the 30 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 be issued (estimated date should not be later than the 60th day excluding Saturdays, Sundays, and holidays after receipt of appeal unless unusual circumstances, as described in § 297.112(a)(1) are met).

(e) If a request is determined in favor of the individual, the final determination shall include the specific corrections or amendments to be made. A copy thereof shall be transmitted promptly both to the individual and to the System Manager who issued the initial denial. Upon receipt of such final determination, the System Manager promptly shall take the actions set forth in § 297.112(b).

(f) If the request 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 information:

(1) The right of the individual to file a concise statement of reasons for disagreeing with the final determination. Such a statement shall be filed with the Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, or with the Assistant Executive Director for Freedom of Information and Privacy, U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C. 20415, as appropriate. It should identify the date of the final determination and be signed by the individual. The Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, shall acknowledge receipt of such statement and inform the individual of the date it was received;

(2) The fact that any such disagreement statement filed by the individual will be noted in the disputed record 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 Commission 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).

(g) In making the final determination, the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, shall use the criteria set forth in § 297.112(c) of this subpart and shall deny an appeal only the grounds set forth in § 297.112(e).

(h) If an appeal is partially granted and partially denied, the Director, Bureau of Manpower Information Systems or the Assistant Executive Director for Freedom of Information and Privacy, as appropriate, shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(i) 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.

(j) The provisions of § 297.106(d) (2) and (3) apply to the information obtained under paragraphs (c) and (g)(1) of this section.

§ 297.114 Disclosure of record to person other than the individual to whom it pertains.

(a) The Commission or the agency may disclose a record pertaining to an individual to a person other than the individual only in the following instances:

(1) Upon written request by the indi-

vidual, including authorization under § 297.108(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);

(5) When permitted under 5 U.S.C. 552a(b) (1) through (11); and

(6) To a survivor of a deceased employee, or annuitant, or someone acting in his or her behalf.

(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 Commission in certain circumstances;

(2) 5 U.S.C. 552a(g) authorizes civil action by an individual and requires disclosure by the Commission to the court; and

(3) Section 5(e)(2) of the Act authorizes release of any records or information by the Commission to the Privacy Protection Study Commission upon request of the Chairman of that Commission.

(c) The System Manager or his designee 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 System Manager or his designee shall make such accounting available to the individual, on request submitted in accordance with § 297.107. The System Manager or his designee 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 as required by § 297.110.

§ 297.115 Fees.

(a) The general policy of the Commission is to provide a copy or a portion of a record free of charge to an individual upon request. However, in cases where the records are voluminous the Commission or an agency may, at its discretion, charge a fee when the cost would be in excess of five dollars ($5).

named in the record for the following reasons:

(i) In that personnel investigations from time to time obtain information relevant to the matter under investigation which is properly classified by another agency and which pertains to national defense and foreign policy application of exemptions (k)(1) will be required to prevent the individual from gaining access to such information under subsection (d) of the Act;

(ii) In that personnel investigations involve civil law enforcement in connection with the administration of the merit system, the effectiveness of which would be impaired should the individual obtain access to the investigative record of the matter, the application of exemption (k)(2) may be required to prevent the individual from gaining access under subsection (d) of the Act. Also, as the access by the individual to an accounting of disclosures of the record of such an investigation may impair a law enforcement function, the application of the exemptions to subsection (c)(3) of the title will be required;

(iii) In that a personnel investigation can involve information obtained from a source who furnished such information under a properly granted promise that the identity of the source would be held in confidence the application of exemption (k)(5) will be required to honor such a promise should the individual request access to the record under subsection (d); and

(iv) In that personnel investigations in connection with the administration of the examining function of the merit system may involve the collection of test material, the application of exemption (k)(6) will be required to prevent the exposure of such material which would compromise the examining process.

(2) *Personnel Research Test Validation Records and Recruiting, Examining, and Placement Records.* All material and information about an individual that meet the criteria stated in 5 U.S.C. 552a (k)(6) are exempt from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (g), (h), and (i); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication of specific material annually in the FEDERAL REGISTER, and provisions regarding agency rules in that portions of this system relate to testing or examination materials that are 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. The specific materials that are exempted are as follows:

(i) Answer keys;
(ii) Test booklets;
(iii) Test item files;
(iv) Rating sheets;
(v) Rating schedules, including crediting plans;
(vi) Transmutation tables; and
(vii) Ratings given for the purpose of validating examinations.

(b) The schedule of fees for copies is prescribed in § 294.107(c) of this chapter. The fees charged must be in accordance with the provisions of paragraphs (a), (b), and (d) of this section.

(c) No fees shall be charged or collected for the following: search for and retrieval of the records; review of the records; making a copy of a record when it is a necessary part of the process of making the record available for review; copying at the initiative of the Commission or an agency without a request from the individual; and transportation of records.

(d) It is the policy of the Commission to provide an individual with one copy of each record or portion thereof corrected or amended pursuant to his or her request without charge as evidence of the correction or amendment.

§ 297.116 Publication of rules and procedures.

(a) The Commission sets forth in this part the rules and procedures for disclosure of personnel records for which it has responsibility.

(b) Agencies shall publish similar rules and procedures consistent with those of the Commission for disclosure of personnel records for which they have responsibility.

§ 297.117 Specific exemptions.

(a) Some systems of records under the Act that are maintained by the Commission contain material subject to exemptions appearing at 5 U.S.C. 552a(k) (1), (2), (5), and (6) relating to national defense and foreign policy materials, civil law enforcement in connection with the administration of the merit system, information obtained from a source who furnished such information under a properly granted promise that the identity of the source would be held in confidence, and to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service. The systems of records published in the Federal Register by the Commission which are within these exemptions are: CSC—8, CSC/GOVT—4, and CSC/GOVT—5. The Commission hereby asserts a claim to specific exemptions of such systems of records. The materials would be exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (g), (h), and (i) and (f).

(b) The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the Commission or an agency for the Commission, including the reasons and parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justifications for the exemptions, are as follows:

(1) *Personnel Investigations Records.* All information about an individual in the records that meets the criteria stated in 5 U.S.C. 552a(k) (1), (2), (5), and (6) are exempt from the requirements of 5 U.S.C. 552a (c)(3) and (d) relating to access and contest and making an accounting of disclosure to the individual

named in the record for the following reasons:

(i) In that personnel investigations from time to time obtain information relevant to the matter under investigation which is properly classified by another agency and which pertains to national defense and foreign policy, application of exemptions (k)(1) will be required to prevent the individual from gaining access to such information under subsection (d) of the Act;

(ii) In that personnel investigations involve civil law enforcement in connection with the administration of the merit system, the effectiveness of which would be impaired should the individual obtain access to the investigative record of the matter, the application of exemption (k)(2) may be required to prevent the individual from gaining access under subsection (d) of the Act. Also, as the access by the individual to an accounting of disclosures of the record of such an investigation may impair a law enforcement function, the application of the exemptions to subsection (c)(3) of the title will be required;

(iii) In that a personnel investigation can involve information obtained from a source who furnished such information under a properly granted promise that the identity of the source would be held in confidence the application of exemption (k)(5) will be required to honor such a promise should the individual request access to the record under subsection (d); and

(iv) In that personnel investigations in connection with the administration of the examining function of the merit system may involve the collection of test material, the application of exemption (k)(6) will be required to prevent the exposure of such material which would compromise the examining process.

(2) *Personnel Research Test Validation Records and Recruiting, Examining, and Placement Records.* All material and information about an individual that meet the criteria stated in 5 U.S.C. 552a (k)(6) are exempt from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (g), (h), and (i); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication of specific material annually in the FEDERAL REGISTER, and provisions regarding agency rules in that portions of this system relate to testing or examination materials that are 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. The specific materials that are exempted are as follows:

(i) Answer keys;

(ii) Test booklets;

(iii) Test item files;

(iv) Rating sheets;

(v) Rating schedules, including crediting plans;

(vi) Transmutation tables; and

(vii) Ratings given for the purpose of validating examinations.

PART 736—INVESTIGATIONS

Sec.
736.101 Definitions.
736.102 Purpose of investigation.
736.103 Personal investigation.
736.104 Written inquiry.

AUTHORITY: Pub. L. 93-579; (5 U.S.C. 552a).

§ 736.101 Definitions.

In this part: (a) "Federal employment" means all civilian service for the Federal government including (1) appointments to Federal Advisory Committees or to membership agencies, whether or not salaried; (2) cooperative work assignments in which the individual has access to Federal materials such as examination booklets or performs service for or under supervision of a Federal agency but may be paid by another organization, such as a State or local government; (3) volunteer arrangements in which the individual performs service for or under the supervision of a Federal agency; and (4) volunteer or other arrangements in which the individual represents the United States Government or any agency thereof.

(b) "Agency" means any authority of the Government of the United States, whether or not it is within or subject to review by another agency 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.

§ 736.102 Purpose of investigation.

In conducting an investigation, either by personal investigation or by written inquiry, to determine suitability, eligibility or qualifications of individuals for Federal employment, Federal contracts or access to classified information or restricted areas, the investigating agency will notify the source from which information is requested of the purposes for which the information is sought and how it will be used. Procedures used in conducting investigations must take proper account of the rights of the individual being investigated as well as the rights of the individual furnishing testimony or information.

§ 736.103 Personal investigation.

In conducting a personal investigation, including a telephone inquiry, to determine suitability, eligibility or qualifications of individuals for Federal employment, Federal contracts or access to classified information or restricted areas in which selection standards demand loyalty, good character and trustworthiness, the interviewing agent will notify each person interviewed and each custodian of record contacted that all information provided, including the source's identity, may be disclosed to the individual being investigated upon that individual's request. This notification must be made at some time during the interview. The agent may promise confidentiality if requested by the source, and in his discretion notify the source that he may have confidentiality where the agent feels that such notification is necessary to secure information pertinent to his investigation or inquiry. If such a request is made, the confidentiality will apply only to the source's identity, and any information furnished by the source that would reveal the identity of the source. A promise of confidentiality will require the investigative agency and all other agencies that receive information obtained under the promise to take all reasonable precautions to protect the confidentiality of the source's identity. Pledges of confidentiality may not be assumed, and the interviewing agent may not ask a source to request confidentiality. Each agency shall prepare implementing instructions for its investigators or agents consistent with these regulations.

§ 736.104 Written inquiry.

In requesting information by a written inquiry concerning the character, loyalty and qualifications of an individual to determine suitability, eligibility or qualifications for Federal employment, Federal contracts or access to classified information or restricted areas, the form, instructions or correspondence used by an agency will include:

(a) A notification that information provided, including the respondent's identity, will be disclosed to the individual on his or her request; and

(b) Except for law enforcement or educational custodians of records,

(1) Space for the respondent to request a pledge that his or her identity will not be disclosed to the subject of the inquiry, or

(2) An offer to make special arrangements to obtain significant information which the respondent feels he or she cannot provide without a pledge of confidentiality as to identity.

Title 45—Public Welfare

CHAPTER VII—COMMISSION ON CIVIL RIGHTS

PART 706—MATERIALS AVAILABLE PURSUANT TO 5 U.S.C. 552a

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.
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706.9 Disclosure of records to a person other than the individual to whom the record pertains.
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706.95 Accounting of the disclosures of records.

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 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 (c) or (d), any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. If possible, that description should include the nature of the records sought, the approximate dates covered by the record, and, if known by the requester, the system in which the record is thought to be included. Requested information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information cannot be treated as a formal request.

(c) If the description is insufficient, the agency will notify the requester and, to the extent possible, indicate that additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought.

§ 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 164-0543 (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 Build-

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ing (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 identification, such as a copy of a driver's license, passport, identification card or badge, credit card 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. In the event of correction or amendment, an individual shall be provided with one copy of each record or portion thereof corrected or amended pursuant to his or her request without charge as evidence of the correction or amendment. The Commission shall also provide to all prior recipients of such a record, the corrected or amended information to the extent that it is relevant to the information previously furnished to a recipient pursuant to the Privacy Act.

§ 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 reaons 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. These statements shall also be provided to all prior recipients of the record to the extent that it is relevant to the information previously fur-

nished to a recipient pursuant to the Privacy Act.

§ 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 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.

(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.

§ 706.95 Accounting of the disclosures of records.

(a) All disclosures of records covered by this Part 706, except for the exemptions listed in § 706.95(b), shall be accounted for by keeping a written record 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.

(b) No accounting is required for disclosures of records to those officials and employees of the Commission who have a need for the record in the performance of their duties, or if disclosure would be required under the

Freedom of Information Act, 5 U.S.C. § 552.

(c) The accounting shall be maintained for 5 years or until the record is destroyed or transferred to the National Archives and Record Service for storage, in which event, the accounting pertaining to those records, unless maintained separately, shall be transferred with the records themselves.

(d) The accounting of disclosures may be recorded in any system the Commission determines is sufficient for this purpose, however, the Commission must be able to construct from its system a listing of all disclosures. The system of accounting of disclosures is not a system of records under the definition in § 706.2(e) and no accounting need be maintained for disclosure of the accounting of disclosures.

(e) Upon request of an individual to whom a record pertains, the accounting of the disclosures of that record shall be made available to the requester, provided that he/she has complied with § 706.3(a) and with § 706.4 (c) or (d).

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1014—POLICIES AND PROCEDURES IMPLEMENTING THE PRIVACY ACT OF 1974

Sec.

1014.1 Purpose and scope.
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AUTHORITY: Privacy Act of 1974 (5 U.S.C. 552a.)

SOURCE: 40 FR 53381, Nov. 18, 1975, unless otherwise noted.

§ 1014.1 Purpose and scope.

This parts sets forth the regulations of the Consumer Product Safety Commission implementing the Privacy Act of 1974 (Pub. L. 93-579). The purpose of these regulations is to inform the public about records maintained by the Commission which contain personal information about individuals, and to inform those individuals how they may seek access to and correct records concerning themselves. These regulations do not apply to request for information made pursuant to the Freedom of Information Act (except where such disclosures would constitute an invasion of privacy of an individual).

§ 1014.2 Definitions.

As used in this part:

(a) "Individual" means a person who is a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) "Privacy Act" means the Privacy Act of 1974 (Pub. L. 93-579).

(c) "Record" means any item of personal information relating to an individual, such as educational, employment, financial or medical information.

(d) "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.

(e) "System of records" or "records systems" means a group of records maintained by the Commission from which information may be retrieved by the name of an individual or some other individual identifier.

(f) "Maintain" includes the collection, use, storage, and dissemination of information.

§ 1014.3 Procedures for requests pertaining to individual records.

(a) Any individual may request the Commission 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 by mail or in person during business hours (8:30 a.m. to 5 p.m.) at the Office of the Secretary, Consumer Product Safety Commission, Suite 1025, 1750 K Street NW., Washington, D.C. 20207.

(b) An individual who believes that the Commission maintains a record pertaining to him or her but who cannot determine which record system may contain the record, may request assistance by mail or in person at the Office of the Secretary during business hours.

(c) A Commission officer or employee or former employee who desires to review or obtain a copy of a personnel record pertaining to him or her may make a request by mail or in person at the Office of the Director, ORU, Room 600B, 5401 Westbard Avenue, Bethesda, Md. 20207.

(d) Each individual requesting the disclosure of a record or a copy of a record shall furnish the following information to the extent known with the request to the Office of the Secretary or to the Director of the Office of Resource Utilization, as applicable:

(1) A description of the record sought;

(2) The approximate date of the record;

(3) The name or other description of the record system containing the record;

(4) Proof as required in section 1014.4 that he or she is the individual to whom the requested record relates; and

(5) Any other information required by the notice describing the record system.

(e) An individual personally inspecting his or her records may be accompanied by other persons of his or her own choosing. The individual shall sign a written statement authorizing disclosure of the record in the other person's presence.

(f) Any individual who desires to have a record concerning himself or herself disclosed to or mailed to another 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 shall be notarized. An agent requesting the review or copy of another's record shall submit with the request the autorization and proof of his or her identity as required by § 1014.4(c).

(g) 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 part. A parent or guardian who desires to act on behalf of such individual shall 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 § 1014.4(c).

(h) An individual may request an accounting of all disclosures made to other persons or agencies of his or her record, except those disclosures made to law enforcement agencies pursuant to section (b)(7) of the Privacy Act (5 U.S.C. 552a(b)(7)). A request for accounting, whenever made, shall be treated as a request for disclosure of records.

§ 1014.4 Requirement for identification of individuals making requests.

The following proof of identity is required for requests for records made pursuant to § 1014.3:

(a) An individual seeking a record about himself or herself in person may establish his or her identity by the presentation of a single document bearing a photograph (such as a passport or driver's license) or by a presentation of two items of identification

which do not bear a photograph but do bear both a name and address. An individual who cannot provide documentation of his or her identity may provide a written statement affirming his or her identity and the fact that he or she understands the penalties for making false statements (18 U.S.C. 1001 and 5 U.S.C. 552a(i)(3)).

(b) An individual seeking a record by mail shall include a statement signed by the individual and properly notarized, that he or she appeared before a notary public and submitted proof of identity acceptable to the notary public.

(c) Requests made by an agent, parent, or guardian shall, in addition to establishing the identity of the minor or other person he or she represents as required by subparagraphs (a) and (b), establish his or her agency, parentage, or guardianship by documentation.

(d) In any case in which the Commission determines that the proof of identity is not adequate, it may request the individual to submit additional proof of identity.

§ 1014.5 Disclosure of requested information to individuals.

(a) Upon submission of proof of identity, the Office of the Secretary or the Director of Resource Utilization, as applicable, shall promptly forward the request to the system manager who will promptly allow the individual to see and/or have a copy of the requested record or send a copy of the record to the individual by mail, as requested by the individual. If the individual asks to see the record, the record should be made available for review and/or copying at the location where the record is maintained, in the Office of the Secretary, or the Director of Resource Utilization, or at the nearest Area Office.

(b) If the system manager should determine, for any reason, that the requested records are exempt from the right of access, a notice of denial shall be sent to the requester stating the reasons for denial, and the requester's right to appeal the denial in accordance with the procedures set forth in § 1014.8 of these regulations.

§ 1014.6 Request for correction or amendment to a record.

(a) Any individual who has reviewed a record pertaining to himself or herself may request the Executive Director to correct or amend all or any part of the record.

(b) Each request for a correction or amendment of a record shall be in writing and shall contain the following information:

(1) The name of the individual requesting the correction or amendment;

(2) The name or other description of the system of records in which the record sought to be amended is maintained;

(3) The location of that record in the system of records to the extent that it is known;

(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; 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 amendment sought.

§ 1014.7 Agency review of request for correction or amendment of record.

(a) Not later than 10 working days after the receipt of the request for the correction or amendment of a record under § 1014.6, the responsible Commission official shall acknowledge receipt of the request and inform the individual whether further information is required before the correction or amendment can be considered.

(b) The responsible Commission official will promptly review the request and either 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 appeal procedures provided by § 1014.8.

(c) The responsible Commission official will make each requested correction or amendment to a record if that correction or amendment will correct anything within the record that is not accurate, relevant, timely, or complete. A copy of each corrected or amended record shall be furnished to the individual who requested the action. If an accounting of disclosure has been kept, all previous recipients of the record shall be notified of the correction and its substance.

§ 1014.8 Appeal of initial denial of access, correction or amendment.

(a) Any individual whose request for access, correction or amendment to a record is denied, in whole or in part, may appeal that decision within 30 working days to the Chairman, Consumer Product Safety Commission, Washington, D.C. 20207.

(b) The appeal shall be in writing and shall:

(1) Name the individual making the appeal;

(2) Identify the record to which access is sought or which is sought to be corrected or amended;

(3) Name or describe the record system in which the record is contained;

(4) Contain a short statement describing the correction of amendment sought;

(5) State the name and location of the Commission official who initially denied the correction or amendment; and

(6) State the date of the initial denial.

(c) Not later than 30 working days after the date on which the appeal is received, the Chairman shall complete a review of the appeal and make a final decision thereon. However, for good cause shown, the Chairman may extend the 30-day period. If the Chairman so extends the period, he or she shall promptly notify the individual requesting the review that the extension has been made.

(d) If after review of an appeal request, the Chairman also refuses to amend the record or grant access to the record in accordance with the request, he or she shall send a written notice to the requester containing the following information:

(1) The decision and 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; and

(3) The right of the requester to file with the Chairman a concise statement setting forth the reasons for his or her disagreement with the denial of the correction or amendment. A copy of the statement of disagreement shall be filed with the record in issue, and the record in issue shall be so marked as to indicate that there is a disagreement. The system manager shall make the statement of disagreement available to prior recipients of the disputed record to the extent that an accounting of disclosures was maintained, and to any person to whom the record is later disclosed, together with a brief statement, if deemed appropriate, of the reasons for denying the requested correction or amendment.

§ 1014.9 Disclosure of record to person other than the individual to whom it pertains.

(a) Any person or agency (other than an officer or employee of the Commission who has a need for individual records in the performance of his or her duty) seeking disclosure of personal records of another individual which are contained in a system of records shall submit a request in accordance with the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act (16 CFR Part 1015, Subpart A).

(b) The determination of whether or not the requested disclosure is proper will be made in accordance with the provisions of the Freedom of Information Act, as amended (5 U.S.C 552) and the Commission's policies and procedures issued thereunder (16 CFR Part 1015).

§ 1014.10 Fees.

The Commission shall not charge an individual for the costs of making a search for a record, the costs of reviewing or copying a record, or the cost of correcting or amending a record.

§ 1014.11 Penalties.

Any person who makes a false statement in connection with any request for a record, or an amendment thereto, under this part, is subject to the penalties prescribed in 18 U.S.C. 494, 495 and 1001; and 5 U.S.C. 552a(i)(3).

1014.12 Specific exemptions.

(a) Injury information. (1) The Bureau of Epidemiology maintains a file of Accident Reports (In-Depth Investigations) which are conducted on a sample of product related injuries reported to the Commission by selected hospital emergency rooms, by consumers through the Commission's "Hot-Line" telephone service and through written consumer complaints and by other means such as newspaper reports. The purpose of this record system is to compile accident statistics for analyzing the incidence and severity of product related injuries.

(2) Inasmuch as the maintenance of the record system listed in subparagraph (1) of this section is authorized by section 5 of the Consumer Product Safety Act (15 U.S.C. 2054) and the data are used solely as statistical records, the system is exempted from the requirements of the Privacy Act relating to making available the accounting of disclosures, correction or amendment of the record and the application of these rules to the system of records. Specifically, the system is exempt from 5 U.S.C. 552a(c)(3); (d)(2) and (3); (e)(1); (e)(4) (G), (H) and (I); and (f). However, Accident Reports made by Commission employees are disclosable in accordance with paragraph (a)(3) of this section:

(3) Section 25(c) of the Consumer Product Safety Act (15 U.S.C. 2074(c)) provides that accident or investigation reports made by an officer or employee of the Commission shall be made available to the public in a manner which will not identify any injured person or any person treating him or her, without the consent of the person identified. Consequently, an accident or investigation report which identifies individuals is available to the injured party or the person treating him or her but would not be available for disclosure to a third party without the consent of the injured party or person treating him or her.

(4) Since accident or investigation reports are compiled only for statistical purposes and are not used in whole or in part in making any determination about an individual, they are exempted from the requirement to correct or amend a record as provided by subsection (d)(2) of the Privacy Act (5 U.S.C. 552a(d)(2)). Exceptions from this paragraph, insofar as they relate to amendments or additions, may be allowed by the Executive Director.

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER A—PROCEDURE AND RULES OF PRACTICE

PART 310—SAFEGUARDING PERSONAL INFORMATION IN FEDERAL DEPOSIT INSURANCE CORPORATION RECORDS

Sec.

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AUTHORITY: 5 U.S.C. 552a, Pub. L. 93-579.

§ 310.1 Purpose and scope.

This regulation sets forth the basic policies of the Corporation regarding the protection of the privacy of individuals on whom the Corporation maintains information which is retrieved by reference to an individual's name or an identifying particular assigned to the individual.

§ 310.2 Definitions.

For purposes of this Part:

(a) The term "Corporation" means the Federal Deposit Insurance Corporation;

(b) The term "individual" means a natural person who is either a citizen of the United States or an alien lawfully admitted for permanent residence;

(c) The term "maintain" includes maintain, collect, use, disseminate, or control;

(d) The term "record" means any item, collection or grouping of information about an individual that contains his/her name, or the identifying number, symbol, or other identifying particular assigned to the individual;

(e) The term "system of records" means a group of any records under the control of the Corporation from which information is retrieved by the name of the individual or some identifying number, symbol or other identifying particular assigned to the individual;

(f) The term "designated system of records" means a system of records which has been listed and summarized in the FEDERAL REGISTER pursuant to the requirements of 5 U.S.C. 552a(e);

(g) 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 created; and

(h) The terms "amend" or "amendment" mean any correction, addition to or deletion from a record.

(i) The term "system manager" means the agency official responsible for a designated system of records, as denominated in the FEDERAL REGISTER publication of "Systems of Records Maintained by the Federal Deposit Insurance Corporation."

§ 310.3 Procedures for requests pertaining to individual records in a system of records.

(a) Any present or former employee of the Corporation seeking access to his/her official Civil Service records maintained by the Corporation shall submit his/her request in such manner as is prescribed by the Civil Service Commission in Part 297 of its rules and regulations (5 CFR 297).

(b) Requests by individuals for access to records pertaining to them and maintained within one of the Corporation's designated systems of records should be submitted in writing to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, Washington, D.C. 20429. Each such request should contain a reasonable description of the records sought, the system or systems in which such record may be contained, and any additional identifying information, as specified in the Corporation's FEDERAL REGISTER "Notice of Systems of Records" for that particular system, copies of which are available upon request from the Records Unit, Office of the Executive Secretary.

§ 310.4 Times, places, and requirements for identification of individuals making requests.

(a) Individuals may request access to records pertaining to themselves by submitting a written request as provided in § 310.3 of these regulations, or by appearing in person on weekdays, other than official holidays, at the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, between the hours of 8:30 a.m. and 5 p.m.

(b) Individuals appearing in person at the Corporation seeking access to or amendment of their records shall present two forms of reasonable identification, such as employment identification cards, driver's licenses, or credit cards.

(c) Except for records that must be publicly disclosed pursuant to the Freedom of Information Act, 5 U.S.C. 552, where the Corporation determines it to be necessary for the individual's protection, a certification of a duly commissioned notary public, of any state or territory, attesting to the requesting individual's identity may be required before a written request seeking access to or amendment of a record will be honored.

§ 310.5 Disclosure of requested information to individuals.

(a) Except to the extent that Corporation records pertaining to an individual:

(1) are exempt from disclosure under §§ 3110.6 and 310.13 of this Part, or

(2) were compiled in reasonable anticipation of a civil action or proceeding, the Corporation will make such records available upon request for purposes of inspection and copying by the individual (after proper identity verification as provided in § 310.4) and, upon the individual's request and written authorization, by another person of the individual's own choosing.

(b) The Executive Secretary will notify, in writing, the individual making a request, whenver practicable within ten business days following recipt of the request, whether any specified designated system of records maintained by the Corporation contains a record pertaining to the individual. Where such a record does exist, the Executive Secretary also will inform the individual of the system manager's decision whether to grant

or deny the request for access. In the event existing records are determined not to be disclosable, the notification will inform the individual of the reasons for which disclosure will not be made and will provide a description of the individual's right to appeal the denial, as more fully set forth in § 310.9. where access is to be granted, the notification will specify the procedures for verifying the individual's identity, as set forth in § 310.4.

(c) Individuals will be granted access to records disclosable under this Part 310 as soon as is practicable. The Executive Secretary will give written notification of a reasonable period within which individuals may inspect disclosable records pertaining to themselves at the Office of the Executive Secretary during normal business hours. Alternatively, individuals granted access to records under this Part may request that copies of such records be forwarded to them. Fees for copying such records will be assessed as provided in § 310.11.

§ 310.6 Special procedures: medical records.

Medical records shall be disclosed on request to the individuals to whom they pertain, except, if in the judgment of the Corporation, the transmission of the medical information directly to the requesting individual could have an adverse effect upon such individual. In the event medical information is withheld from a requesting individual due to any possible adverse effect such information may have upon the individual, the Corporation shall transmit such information to a medical doctor named by the requesting individual.

§ 310.7 Request for amendment of record.

The Corporation will maintain all records it uses 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. An individual may request that the Corporation amend any portion of a record pertaining to that individual which the Corporation maintains in a designated system of records. Such a request should be submitted in writing to the Office of the Executive Secretary, Records Unit, Federal Deposit Insurance Corporation, Washington, D.C. 20429 and should contain the individual's reason for requesting the amendment and a description of the record (including the name of the appropriate designated system and category thereof) sufficient to enable the Corporation to identify the particular record or portion thereof with respect to which amendment is sought.

§ 310.8 Agency review of request for amendment of record.

(a) Requests by individuals for the amendment of records will be acknowledged by the Executive Secretary of the Corporation, and referred to the system manager of the system of records in which the record is contained for determination, within ten business days following receipt of such requests. Promptly thereafter, the Executive Secretary will notify the individual of the system manager's decision to grant or deny the request to amend.

(b) If the system manager denies a request to amend a record, the notification of such denial shall contain the reason for the denial and a description of the individual's right to appeal the denial as more fully set forth in § 310.9.

§ 310.9 Appeal of adverse initial agency determination on access or amendment.

(a) A system manager's denial of an individual's request for access to or amendment of a record pertaining to him/her may be appealed in writing to the Board of Directors of the Corporation within 30 business days following receipt of notification of the denial. Such an appeal should be forwarded to the Office of the Executive Secretary, Records Unit, and contain all the information specified for requests for access in § 310.3 or for initial requests to amend in § 310.7, as well as any other additional information the individual deems relevant for the Board of Director's consideration of the appeal.

(b) The Board of Directors will normally make a final determination with respect to an appeal made under this Part within 30 business days following receipt by the Office of the Executive Secretary of the appeal. The Board of Directors may, however, extend this 30 day time period for good cause. Where such an extension is required, the individual making the appeal will be notified of the reason for the extension and the expected date upon which a final decision will be given.

(c) If the Corporation's Board of Directors affirms the initial denial of a request for access or to amend, it will inform the individual affected of the decision, the reason therefor and the right of judicial review of the decision. In addition, as pertains to a request for amendment, the individual may at that point submit to the Corporation a concise statement setting forth his or her reasons for disagreeing with the Corporation's refusal to amend.

§ 310.10 Disclosure of record to person other than the individual to whom it pertains.

(a) Except as provided in paragraph (b) of this section, the Corporation will not disclose any record contained in a designated system of records to any person or agency except with the prior written consent of the individual to whom the record pertains.

(b) The restrictions on disclosure in paragraph (a) of this section do not apply to any of the following disclosures:

(1) To those officers and employees of the Corporation who have a need for the duties;

(2) Which 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 Corporation 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 Corporation 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.

(c) Any statement of disagreement with the Corporation's refusal to amend, filed with the Corporation by an individual pursuant to § 310.9(c),

will be included in the disclosure of any records under authority of paragraph (b) of this section. The Corporation may in its discretion also include a copy of a concise statement of its reasons for not making the requested amendment.

(d) The Corporation will adhere to the following procedures in the case of disclosure of any record pursuant to the authority of paragraphs (b)(3) through (b)(11) of this section.

(1) The Corporation will keep a record of the date, nature and purpose of each such disclosure, as well as the name and address of the person or agency to whom such disclosure is made; and

(2) The Corporation will retain and, with the exception of disclosures made pursuant to paragraph (b)(7) of this section, make available to the individual named in the record for the greater of five years or the life of the record all material compiled under paragraph (d)(1) of this section with respect to disclosure of such record.

(e) Whenever a record which has been disclosed by the Corporation under authority of paragraph (b) of this section is, within a reasonable amount of time after such disclosure, either amended by the Corporation or the subject of a statement of disagreement, the Corporation will transmit such additional information to any person or agency to whom the record was disclosed, if such disclosure was subject to the accounting requirements of paragraph (d)(1) of this section.

§ 310.11 Fees.

The Corporation, upon a request for records disclosable pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), shall charge a fee of $0.10 per page for duplicating, except as follows:

(a) If the Corporation determines that it can grant access to a record only by providing a copy of the record, no fee will be charged for providing the first copy of the record or any portion thereof;

(b) Whenever the aggregate fees computed under this section do not exceed $2.00 for any one request, the fee will be deemed waived by the Corporation; or,

(c) Whenever the Corporation determines that a reduction or waiver is warranted, it may reduce or waive any fees imposed for furnishing requested information pursuant to this section.

§ 310.12 Penalties.

Subsection (i)(3) of the Privacy Act of 1974 (5 U.S.C. 552a(i)(3)) imposes criminal penalties for obtaining Corporation records on individuals under false pretenses. The subsection provides 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."

§ 310.13 Exemptions.

(a) Investigatory material compiled for law enforcement purposes in the following systems of records is exempt from §§ 310.3–310.9 and § 310.10(d)(2) of these rules; provided, however, that if any individual is denied any right, privilege or benefit to which he/she would otherwise be entitled under Federal law, or for which he/she would otherwise be eligible, as a result of the maintenance of such material, such material shall be disclosed 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;

FDIC/2—Bank and proposed bank irregularity record system.
FDIC/11—Legal compliance and enforcement records.

(b) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Corporation employment to the extent that disclosure of such material would reveal the identity of a source who furnished information to the Corporation 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, in the following system of records, is exempt from §§ 310.3–310.9 and § 310.10(d)(2) of these rules:

FDIC/1—Attorney-legal internal applicant system.

(c) Testing or examination material used solely to determine or assess individual qualifications for appointment or promotion in the Corporations' service, the disclosure of which would compromise the objectivity or fairness of the testing, evaluation, or examination process, in the following system of records, is exempt from §§ 310.3–310.9 and § 310.10(d)(2) of these rules:

FCID/9—Examiner training and education records.

Title 1—General Provisions

CHAPTER IV—MISCELLANEOUS AGENCIES (PRIVACY REGULATIONS)

PART 455—NATIONAL CAPITAL PLANNING COMMISSION

Sec.

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AUTHORITY: 5 U.S.C. 552a.

§ 455.1 Purpose and scope.

These procedures provide the means by which individuals may safeguard their privacy by obtaining access to, and requesting amendments or corrections in, information, if any, about these individuals which is under the control of the National Capital Planning Commission (hereafter, the "Commission").

§ 455.2 Definitions.

For the purpose of these procedures:

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use, or disseminate;

(c) 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 payroll information and mailing address and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Commission 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; and

(e) 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.

§ 455.3 Procedures for requests pertaining to individual records in a record system.

(a) An individual who wishes to know whether a system of records maintained by the Commission contains a record pertaining to him or her shall submit a written request to that effect to the appropriate System Manager at the Commission. The System Manager shall, within 10 days of receipt of such submission, inform the individual whether a system of records maintained by the Commission contains such a record.

(b) An individual who desires access to any identified record shall file a request therefor, addressed to the System Manager indicating whether such individual intends to appear in person at the Commission's offices or whether he or she desires to receive a copy of any identified record through the mail.

§ 455.4 Times, places, and requirements for identification of individuals making requests.

(a) An individual who, in accord with § 455.3(b) of this part indicated that he or she would appear personally shall do so at the Commission's offices, 1325 G Street, N.W., Washington, D.C., between the hours of 8:30 A.M. and 5:00 P.M., Monday through Friday (legal holidays excluded) and present a form of identification, such as a valid driver's license or employee identification card, which will permit the System Manager to verify that the individual is the same individual as contained in the record requested.

(b) An individual who, in accord with § 455.3(b) of this part indicated that he or she desired mail delivery of a copy of the record shall include in the request the date and location of birth of the individual as suitable proof of identity.

(c) Where the above mentioned forms of identification are not feasible or appropriate, the Commission shall request 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.

§ 455.5 Disclosure of requested information to individuals.

Upon verification of identity, the System Manager shall disclose to the individual (a) the information contained in the record which pertains to that individual; and (b) the accounting of disclosures of the record, if any, required by 5 U.S.C. 552a(c).

§ 455.6 Request for correction or amendment to the record.

An individual may request that a record pertaining to him or her be amended or corrected. The individual shall submit any such request in accord with §455.3 of this part and shall state therein the item sought to be amended and specific reasons therefor.

§ 455.7 Agency review of request for correction or amendment of the record.

Within ten days of the receipt of the request to correct or to amend the record, the System Manager will acknowledge in writing such receipt and promptly either: (a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete and inform the individual of same; or (b) inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Commission for the individual to request a review of that refusal.

§ 455.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the System Manager to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman of the Commission, 1325 G Street, N.W., Washington, D.C. 20576. The Chairman will, not later than thirty days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his or her dis-

agreement with the refusal of the Commission and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1)(A).

§ 455.9 Disclosure of record to a person other than the individual to whom the record pertains.

An individual to whom a record is to be disclosed in person may have a person of his or her own choosing accompany the individual when the record is disclosed.

§ 455.10 Fees.

(a) The Commission will not charge an individual for the costs of making a search for a record or the costs of reviewing the record. When the Commission makes a copy of a record as a necessary part of the process of disclosing the record to an individual, the Commission will not charge the individual for the cost of making that copy.

(b) If an individual requests the Commission to furnish him or her 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 Commission will charge a fee of $0.25 per page (maximum per page dimension of 8½×13 inches) to the extent that the request exceeds $5.00 in cost to the Commission. Requests not exceeding $5.00 in cost to the Commission will be met without cost to the requester.

§ 455.11 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 five 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.

§ 455.12 Exemptions.

No Commission records system is exempted from the provisions of 5 U.S.C. 552a as permitted under certain conditions by 5 U.S.C. 552a (j) and (k).

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 720—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Subpart A—Production or Disclosure Under 5 U.S.C. 552

* * * * *

Subpart B—Protection of Privacy of Individual Records Under 5 U.S.C. 552a

Sec.

720.20 Purpose and scope.
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AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 720.20 Purpose and scope.

(a) This subpart contains the regulations of the National Credit Union Administration implementing the Privacy Act of 1974, Pub. L. 93-579. The regulations apply to all records which are maintained by the Administration, contain information about an individual including some means of identifying the individual and are contained in a system of records, from which information is retrieved by use of an identifying particular. The regulations set forth procedures whereby individuals may seek and gain access to records concerning themselves and request amendments of those records. The regulations also set forth requirements applicable to Administration employees maintaining collecting, using or disseminating such records.

(b) The Assistant Administrator for Administration, with advice from the General Counsel, shall be responsible for training employees of the Administration in the obligations imposed by the Privacy Act of 1974 and these regulations.

§ 720.21 Definitions.

For purposes of this subpart:

"Administration" means the National Credit Union Administration;

"Administrator" means the administrator of the National Credit Union Administration;

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

"Maintain" includes maintain, collect use, or disseminate;

"Record" means any item, collection or grouping of information about an individual that is maintained by the Administration, and that contains his name or an identifying number, symbol, or other identifying particular assigned to the individual;

"System of records" means a group of any records under the control of the Administration 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; 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.

§ 720.22 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 an individual seeking access to information or records pertaining to him which is available under the Privacy Act of 1974 shall present his request in person or in writing to the Administration official identified in the access procedure section of the "Notice of Records Systems" published in the FEDERAL REGISTER which describes the system of records to which the individual's request relates.

(b) In addition to meeting the identification requirements set forth in § 720.23, individuals 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 Records Systems" published in the FEDERAL REGISTER.

§ 720.23 Times, places, and requirements for identification of individuals making requests and identification of records requested.

(a) The following minimum standards are applicable to any individual who submits a request under § 720.22:

(1) An individual seeking access to records about himself in person may establish his 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 address (such as a driver's license or credit card);

(2) An individual seeking access to records about himself by mail shall establish his identity by a signature, address, date of birth, employee identification number if any, and one other identifier such as a photocopy of driver's license or other document; and

(3) An individual seeking access to records about himself by mail or in person who cannot provide the required documentation of identification may provide a notarized statement; swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001.

(b) 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 as required in paragraph (a) of this section, establish his own parentage or guardianship by furnishing a copy of a birth certificate showing parentage or a court order establishing the guardianship.

(c) An individual seeking to review records about himself may be accompanied by another person of his own choosing. In such cases, the individual seeking access shall be required to fur-

nish a written statement authorizing the discussion of that individual's records in the accompanying person's presence.

(d) In addition to the requirements set forth in paragraph (a) and (b) of this section, the published "Notice of System of Records" for individual systems may include further requirements of identification where necessary to retrieve the individual record from the system.

§ 720.24 Notice of existence of records, access decisions and disclosure of requested information; time limits.

(a) The adminstration official identified in the record access procedure section of the "Notice of Records Systems" and identified in accordance with § 720.23(d), by an individual seeking notification of, or access to, a record, shall be responsible to (1) determine whether such a record exists, (2) determine whether accesss is available under the Privacy Act, (3) notify the requesting individual of those determinations, and (4) provide access to information determined to be available. In cases where the Administration Official identified in the above sentence is the Assistant Administrator for Administration (or Security Officer) he shall designate one or more of his assistants as being responsible for carrying out the requirements of this section. In the case of an individual access request made in person, information determined to be available shall be provided by allowing a personal review of the record or portion of a record containing the information requested and determined to be available, and the individual shall be allowed to have a copy of all or any portion of available information made in a form comprehensible to him. In the case of an individual access request made by mail, information determined to be available shall be provided by mail, unless the individual has requested otherwise. If access is denied because of an exemption, the individual shall be notified that he may appeal that determination to the Assistant Administrator for Adminstration within thirty days after receipt of the determination. Such appeals shall be determined within thirty days.

(b) The following time limits shall be applicable to the required determinations, notification and provision of access set forth in paragraph (a) of this section:

(1) Requests concerning a single system of records which do not require consultation with or requisition of records from another agency shall be responded to within 20 working days after receipt of the receipt;

(2) Requests requiring rquisition of records from or consultation with another agency shall be responded to within 10 working days after such requisition of the required consultation. Such required requisition or consulation shall be initiated within 10 working days after receipt of the request; and

(3) If a request under paragraph (b) (1) or (2) of this section presents unusual difficulties in determining whether the records involved are exempt from disclosure, the Assistant Administrator for Administration may, upon written request of the official responsible for action upon the record request, extend the time period established by these regulations for an additional 15 working days.

(c) Nothing in this section shall be construed to allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or any information exempted from the provisions of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a (j) or (k).

§ 720.25 Special procedures: Information furnished by other agencies; medical records.

(a) When records or information sought from the Administration include information furnished by other Federal agencies, the Administration official responsible for action on the request shall consult with the appropriate agency prior to making a decision to disclose or refuse the record but the decision whether to disclose the record shall be made in the first instance by the Administration official.

(b) When an individual requests medical records concerning himself, the Administration official responsible for action on the request may advise the individual that the records will be provided only to a physician designated in writing by the individual. Upon receipt of the designation and upon proper verification of identity, the Administration official shall permit the physician to review the records or to receive copies of the records by mail. The determination of which records should be made available directly to the individual and which records should not be disclosed directly because of possible harm to the individual shall be made by the Administration official responsible for action on the request.

§ 720.26 Requests for correction or amendment to record; administration review of requests.

(a) An individual may request amendment of a record concerning himself by addressing his request, either in person or by mail, to the Administration official identified in the record contest procedure section of the "Notice of Records Systems" published in the FEDERAL REGISTER and describing the system of records which contains the record which the individual wishes to request amendment of. The request must indicate the particular record involved, the nature of the correction sought, and the justification for the correction or amendment. In cases where the Administration official described in the above sentence is the Assistant Administrator for Administration (or Security Officer), he shall designate one of his assistants, such as the Deputy Assistant Administrator, as the official responsible for carrying out the requirements of this section. Requests made by mail should be addressed to the responsible Administration official at the address specified in the "Notice of Records System" describing the system of records which contains the contested record.

(b) Within ten working days of receipt of the request, the appropriate Administration official shall advise the individual that his request has been received. The appropriate Administration official shall then promptly, and under normal circumstances, not later than thirty working days after receipt of the request, either advise the individual that the record is to be amended or corrected or inform the individual of his refusal to amend the record, the reason for the refusal, and the procedures established by § 720.27 for the individual to request a review of that refusal.

§ 720.27 Appeal of initial adverse determination on correction or amendment.

(a) A refusal, in whole or in part, to amend or correct a record may be appealed to the Assistant Administrator for Administration within 30 working days of receipt of notice of the refusal. Appeals shall be in writing, shall set forth the specific item of information sought to be corrected and the documentation justifying the correction. Appeals shall be addressed to the Administrator, National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456; attention Assistant Administrator for Administration. Appeals shall be decided within thirty working days of their receipt unless the Administrator shall, for good cause, shown, extend such period for an additional thirty working days.

(b) Within the time limits set forth in paragraph (a) of this section, the Assistant Administrator for Administration shall either advise the individual of his decision to amend or correct the record or advise the individual of his determination that an amendment or correction is not warranted on the facts, in which case he shall advise the individual of his right to provide for the record a "Statement of Disagreement" and of his right to judicial review pursuant to the Privacy Act of 1974.

(c) Statements of Disagreement may be furnished by the individual within

30 days of the date of receipt of the notice of refusal of the Assistant Administrator for Administration to authorize correction. They shall be addressed to the Administrator, National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456; attention, Assistant Administrator for Administration. Upon receipt of a statement of disagreement in accordance with this section, the Assistant Administrator for Administration shall take steps to insure that the statement is included in the system or systems of records which contain the disputed item and that the original item is so marked to indicate that there is a statement of dispute and where, within the system of records, that statement may be found.

(d) When a record has been amended or corrected or a statement of disagreement has been furnished, the system manager for the system of records which contains the record shall, within thirty days thereof, advise all prior recipients of information to which the amendment or statement of disagreement relates whose identity can be determined by an accounting made as required by the Privacy Act of 1974 or any other accounting previously made, of the amendment or statement of disagreement. When a statement of disagreement has been furnished, the system manager shall also provide any subsequent recipient of a disclosure containing information to which the statement relates with a copy of the statement and note the disputed portion of the information disclosed. A concise statement of the reasons for not making the requested amendments may also be provided if deemed appropriate.

(e) In the case of any appeal made under this section and related to personnel records which the Administration maintains pursuant to specific requirements or authorization by the Civil Service Commission or pursuant to a recordkeeping requirement of the Federal Personnel Manual, the appeal shall be forwarded, after consideration by the Assistant Administrator for Administration, to the Civil Service Commission for a final determination in accordance with Civil Service Commission regulations.

§ 720.28 Disclosure of record to person other than the individual to whom it pertains.

No record or item of information concerning an individual which is contained in a system of records maintained by the Administration shall be disclosed by any means of communication to any person, or to another agency, without the prior written consent of the individual to whom the record or item of information pertains, unless the disclosure would be—

(a) To an employee of the Administration who has a need for the record in the performance of his duties;

(b) Required by the Freedom of Information Act;

(c) For a routine use as described in the "Notice of Records System," published in the FEDERAL REGISTER, which describes the system of records in which the record or item of information is contained;

(d) 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;

(e) To a recipient who has provided the Administration with advance adequate written assurance that the record or item will be used soley as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(f) To the National Archives of the United States as a record or item which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of the General Services or his designee to determine whether the record has such value;

(g) 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 Adminstration specifying the particular portion desired and the law enforcement activity for which the record or item is sought;

(h) 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;

(i) 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;

(j) 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

(k) Pursuant to the order of a court of competent jurisdiction.

§ 720.29 Accounting for disclosures.

(a) Each system manager identified in the "Notice of Records Systems" as published in the FEDERAL REGISTER for each system of records maintained by the Administration, shall establish a system of accounting for all disclosures of information or records concerning individuals and contained in the system of records, made outside the Administration. Accounting procedures may be established in the least expensive and most convenient form that will permit the system manager to advise individuals, promptly upon request, of the persons or agencies to which records concerning them have been disclosed.

(b) Accounting records, at a minimum, shall include the information disclosed, the name and address of the person or agency to whom disclosure was made, and the date of disclosure. When records are transferred to the National Archives and Records Service for storage in records centers, the accounting pertaining to those records shall be transferred with the records themselves.

(c) Any accounting made under this section 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.

§ 720.30 Requests for accounting for disclosures.

At the time of his request for access or correction or at any other time, an individual may request an accounting of disclosures made of his record outside the Administration. Requests for accounting shall be directed to the system manager. Any available accounting, whether kept in accordance with the requirements of the Privacy Act or under procedures established prior to September 27, 1975, shall be made available to the individual except that an accounting need not be made available if it relates to: (a) A disclosure made pursuant to the Freedom of Information Act, 5 U.S.C. 552; (b) a disclosure made within the Administration; (c) a disclosure made to a law enforcement agency pursuant to 5 U.S.C. 552a(b)(7); (d) a disclosure which has been exempted from the provisions of 5 U.S.C. 552a(c)(3) pursuant to 5 U.S.C. 552a (j) or (k).

§ 720.31 Emergency disclosures.

If the information concerning an individual and contained in a system of records 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. Notification shall include the following information: the nature of the information disclosed, the person or agency to whom it was disclosed, the date of the disclosure, and the compelling circumstances justifying the disclosure. Notification shall be given by the officer who made or authorized the disclosure.

§ 720.32 Collection of information from individuals; information forms.

(a) The system manager, as identified in the "Notice of Records Systems" published in the FEDERAL REGISTER for each system of records maintained by the Administration, shall be

responsible for reviewing all forms developed and used to collect information from or about individuals for incorporation into the system of records.

(b) The purpose of the review shall be to eliminate any requirement for information that is not relevant and necessary to carry out an Administration 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 other 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 accompanying statement 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 accompanying statement states clearly the principal purpose or purposes for which the information is being collected, and states concisely the routine uses that will be made of the information.

(4) To insure that the form or accompanying statement 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 an accompanying statement, 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) Any form which does not meet the objectives specified in the Privacy Act and 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.

§ 720.33 Contracting for the operating of a system of records.

(a) No component of the Administration shall contract for the operation of a record system by or on behalf of the agency without the express approval of the Administrator.

(b) Any contract which is approved shall contain the standard contract requirements promulgated by the General Services Administration to insure compliance with the requirements imposed by the Privacy Act of 1974. The contracting component shall have the responsibility for insuring that the contractor complies with the contract requirements relating to privacy.

§ 720.34 Fees.

(a) Fees pursuant to 5 U.S.C. 552a(f)(5) shall be assessed for actual copies of records provided to individuals on the following basis, unless the Administration official determining access waives the fee because of the inability of the individual to pay:

(1) For actual copies of documents, $0.25 per page; and

(2) For copying information, if any, maintained in uncommon or nondocument form, the direct cost to the Administration may be assessed but only if the individual has been notified of the cost before it is incurred.

(b) Where it is anticipated that access fees chargeable under this section will amount to more than $25, and the individual has not indicated in advance his willingness to pay fees as high as are anticipated, the individual shall be notified of the amount of the anticipated fees before copies are made, and the individual's access request shall not be considered to have been received until receipt by the Administration of his written agreement to pay.

§ 720.35 Exemptions.

(a) The Administration maintains three systems of records which are exempted from some of the provisions of the Privacy Act of 1974. In paragraphs (b) and (c) of this section, those systems of records are identified (by System Name and System Number as stated in the Administration's "Notice of Systems of Records," published in the FEDERAL REGISTER) and the provisions from which each system is exempted and the reasons therefor are set forth.

(b) System NCUA-2, entitled "Federal Employee Security Investigations Containing Adverse Information," consists of adverse information about Administration employees which has been obtained as a result of routine Civil Service Commission security investigations. System NCUA-17, entitled "Security Clearance Records Concerning NCUA Personnel Who Occupy Critical Sensitive Positions," consists of records obtained as a result of investigations conducted by the Civil Service Commission and/or the Federal Bureau of Investigation to determine qualifications of NCUA officials for security clearances. To the extent that the Administration maintains records in either of these systems pursuant to Civil Service Commission guidelines which require or may require retrieval of information by use of individual identifiers, those records are encompassed by and included in the Civil Service Commission's Government Wide System of Records Number 4, entitled "Personnel Investigations Records," and thus are subject to the applicable specific exemptions promulgated by the Commission at 5 C.F.R. 297.117. Additionally, in order to ensure the protection of properly confidential sources, particularly as to those records which are not maintained pursuant to such Civil Service Commission requirements, the records in these systems of records are exempted, pursuant to section k(5) of the Act (5 U.S.C. 552a(k)(5)), from section (d) of the Act (5 U.S.C. 552a(d)). As a result, to the extent that disclosure of a record would reveal the identity of a confidential source the Administration need not grant access to that record by its subject. Information which would reveal a confidential source shall, however, whenever possible, be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(c) System NCUA-4, entitled "Investigative Reports Involving Possible Felonies and/or Violations of the Federal Credit Union Act," consists of a limited number of records about individuals suspected of involvement in felonies or infractions under the Federal Credit Union Act (12 U.S.C. 1751, et seq.). These records are maintained in an overall context of general investigative information concerning crimes against credit unions, the bulk of which does not pertain to and is not identifiable to individual persons. To the extent that individually identifiable information is maintained, however, for purposes of protecting the security of any investigations by appropriate law enforcement authorities and promoting the successful prosecution of all actual criminal activity, the records in this system are exempted, pursuant to section k(2) of the Act (5 U.S.C. 552a(k)(2)), from sections (c)(3) and (d) of the Act (5 U.S.C. 552a (c)(3), (d)). As a result, the Administration need not make an accounting of previous disclosure, of a record in this system of records available to its subject, and the Administration need not grant access to any records in this system of records by their subject. Further, whenever an individual requests records about himself and maintained in this system of records, the Administration shall, to the extent necessary to realize the above stated purposes, neither confirm nor deny the existence of that record but shall advise the individual only that no

record available to him pursuant to the Privacy Act of 1974 has been identified. However, should a review of the information reveal that it 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, the individual shall be advised of the existence of the information and shall be provided the information except to the extent it would identify a confidential source. Information which would identify a confidential source shall, if possible, be extracted or summarized in a manner which protects the source and the summary or extract shall be provided to the requesting individual.

(d) For the purposes of this section, 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.

§ 720.36 Security of systems of records.

(a) Each system manager, with the approval of the head of his Office, shall establish administrative, and physical controls, consistent with Administration 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 are enclosed in a manner to protect them from public view, that the area in which the records are stored is supervised during all business hours to prevent unauthorized personnel from entering the area or obtaining access to the records, and that the records are inaccessible outside of business hours. Automated systems shall comply with the security standards promulgated by the National Bureau of Standards.

(b) Each system manager, with the approval of the head of his Office, 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.

§ 720.37 Use and collection of Social Security numbers.

The head of each office of the Administration (e.g., Assistant Addministrator, Regional Director) shall take such measures as are necessary to insure that employees authorized to collect information from individuals are advised that individuals may not be required to furnish Social Security numbers without statutory or regulatory authorization and that individuals who are requested to provide Social Security numbers voluntarily must be advised that furnishing the number is not required and that no penalty or denial of benefits will flow from the refusal to provide it.

§ 720.38 Employee standards of conduct with regard to privacy.

(a) The head of each office of the Administration 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 that such employees are made aware of their responsibilities to protect the security or personal information, to asure 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.

(b) With respect to each system of records maintained by the Administration, employees of the Administration shall:

(1) 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 Administration;

(2) Collect from individuals only that information which is necessary to Administration functions or responsibilities;

(3) Collect information, wherever possible, directly from the individual to whom it relates;

(4) Inform individuals from whom information is collected of the authority for collection, the purposes thereof, the routine uses that will be made of the information, and the effects, both legal and practical of not furnishing the information;

(5) Neither collect, maintain, use or disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit; (ii) the information is expressly authorized by statute to be collected, maintained, used or disseminated; or (iii) the activities involved are pertinent to and with the scope of an authorized investigation or adjudication;

(6) Advise their supervisors of the existence or contemplated development of any record system which retrieves information about individuals by individual identifier;

(7) Maintain an accounting, in the prescribed form, of all dissemination of personal information outside the Administration, whether made orally or in writing;

(8) Disseminate no information concerning individuals outside the Administration except when authorized by 5 U.S.C. 552a or pursuant to a routine use as set forth in the routine use section of the "Notice of Records Systems" published in the FEDERAL REGISTER;

(9) Maintain and process information concerning individuals with care in order to ensure that no inadvertent disclosure of the information is made either within or without the Administration; and

(10) Call to the attention of the proper Administration authorities any information in a system maintained by the Administration 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.

(c) Heads of offices within the Administration shall, at least annually, review the record systems subject to their supervision to insure compliance with the provisions of the Privacy Act of 1974.

Title 36—Parks, Forests, Public Property

CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PART 903—PRIVACY ACT

Sec.

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AUTHORITY: Privacy Act of 1974 (Pub. L. 94-579, 88 Stat. 1896 (5 U.S.C. 552a)); Pennsylvania Avenue Development Corporation Act of 1972, Pub. L. 92-587, 86 Stat. 1266 (40 U.S.C. 870)), as amended, Pub. L. 94-429, 88 Stat 1170 (1974), Pub. L. 94-388, 90 Stat. 1188 (1976).

§ 903.1 Purpose and scope.

The purpose of this part is to enable the Pennsylvania Avenue Development Corporation to implement the Privacy Act of 1974, and in particular the provisions of 5 U.S.C. 552a, as added by the Act. The Act was designed to insure that personal information about individuals collected by Federal agencies be limited to that which is legally authorized and necessary, and that the information is maintained in a manner which precludes unwarranted intrusions upon individual privacy. The regulations in this part establish, and make public, procedures whereby an individual can (a) request notification of whether or not the Corporation maintains or has disclosed a record pertaining to him or her, (b) request access to such a record or an accounting of its disclosure, (c) request that the record be amended, and (d) appeal any initial adverse determination of a request to gain access or amend a record.

§ 903.2 Definitions.

As used in this part:

(a) "Agency" means agency as defined in 5 U.S.C.552(e).

(b) "Corporation" means the Pennsylvania Advenue Development Corporation.

(c) "Workday" shall be a day excluding a Saturday, Sunday or legal holiday.

(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 items, collection, or grouping of information about an individual that is maintained by an agency, 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, such as a finger or voice print or a photograph.

(g) The term "system of records" means a group of records under the control of an 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.

(h) 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 Section 8 of Title 13, United States Code.

(i) 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.

§ 903.3 Procedures for notification of records pertaining to individuals.

(a) An individual making a written or oral request under the Privacy Act (5 U.S.C. 522a) shall be informed of any Corporation systems of records which pertain to the individual, if the request contains a reasonable identification of the appropriate systems of records as described in the notice published in the FEDERAL REGISTER.

(b) Requests may be made in person between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, (except legal holidays). The request should be addressed to the Privacy Protection Officer, Pennsylvania Avenue Development Corporation, 425 13th Street, N.W., Suite 1148, Washington, D.C. 20004. The Privacy Protection Officer of the Corporation will require adequate personal identification before processing the request. If a request is made in writing it must be under the signature of the requesting individual and include the individual's address, date of birth, and an additional proof of identification, such as a photocopy of a driver's license or similar document bearing the individual's signature. A notarized, signed statement is acceptable to verify the identity of the individual involved without additional proof.

§ 903.4 Requests for access to records.

(a) Except as otherwise provided by law or regulation, an indiidual, upon request made in person or delivered in writing may gain access to his or her record or to any information pertaining to him or her which is contained in a system of records maintained by the Corporation, and to review the record and have a copy made of all or any portion thereof in a form comprehensible to his or her. An individual seeking access to a Corporation record may be accompanied by a person of his or her choosing. However, the corporation will require a written statement from the individual authorizing discussion of his or her record in the accompanying person's presence.

(b) A request under paragraph (a) of this section shall be directed to the Privacy Protection Officer at the place, times and in the manner prescribed in §§ 903.3(a) and (b). The request should include the following information: (1) The name of the individual; (2) if made in writing, the information required under § 903.3(b); (3) a description of system or systems of records which contain the record to which access is requested; (4) the approximate dates covered by the record; and, (5) a suggested date and time when the individual would like to view the record.

(c) Requests which do not contain information sufficient to identify the record requested will be returned promptly to the requester, with a notice indicating that information is lacking. Individuals making requests in person will be informed of any deficiency in the specification of records or identification at the time that the request is made. The Privacy Protection Officer of the Corporation will require adequate personal identification

before processing a request made in person.

§ 903.5 Response to requests for access.

(a) Within 10 days of receipt of a request made under § 903.4 the Privacy Protection Officer shall determine whether access to the record is available under the Privacy Act and shall notify the requesting individual in person or in writing of that determination.

(b) Notices granting access shall inform the individual when and where the requested record may be seen, how copies may be obtained, and of any anticipated fees or charges which may be incurred under § 903.11. Access shall be provided within 30 days of receipt of the request unless the Corporation, for good cause shown, is unable to provide prompt access, in which case the individual shall be informed in writing within the 30 days as to the cause for delay and when it is anticipated that access will be granted.

(c) Notices denying access shall state the reasons for the denial, and advise the individual that the decision may be appealed in accordance with the procedures set forth in § 903.6.

§ 903.6 Appeal of initial denial of access.

(a) After receiving notification of an initial denial of access to a record, an individual may request a review and reconsideration of the request by the Executive Director of the Corporation, or an officer of the Corporation designated by him, but other than the Privacy Protection Officer. Appeals for review shall be in writing, addressed to the Executive Director, Pennsylvania Avenue Development Corporation, 425 13th Street, N.W., Suite 1148, Washington, D.C. 20004. The appeal shall identify the record as in the original request, shall indicate the date of the original request and the date of the initial denial, and shall indicate the expressed basis for the denial.

(b) Not later than 30 days after receipt of an appeal, the Executive Director, or an officer of the Corporation designated by him, will complete review of the appeal and the initial denial and either:

(1) Determine that the appeal should be granted, and notify the individual in writing to that effect; or,

(2) Determine that the appeal should be denied because the information requested is exempt from disclosure. If the reviewing official denies the appeal, he or she shall advise the individual in writing of the decision and the reasons for reaching it, and that the denial of the appeal is a final agency action entitling the individual to seek judicial review in the appropriate district court of the United States as provided in 5 U.S.C. 552a(g).

§ 903.7 Requests for amendment of record.

(a) An individual may request amendment of a Corporation record pertaining to him or to her, if the individual believes that the record contains information which is not accurate, relevant, timely, or complete. The request shall be in writing, whether presented in person or by mail, shall state with specificity the record sought to be amended, and shall propose wording of the correction or amendment sought. The request shall be directed to the Privacy Protection Officer at the place, times, and in the manner specified in §§ 903.3 (a) and (b). Assistance in preparing a request to amend a record, or to appeal an initial adverse determination under § 903.3(a), may be obtained from the Privacy Officer, Pennsylvania Avenue, Development Corporation, 425 13th Street, Suite 1148, Washington, D.C. 20004.

(b) Not later than 10 days after the date of receipt of a request the Privacy Protection Officer will acknowledge it in writing. The acknowledgement will clearly describe the request, and if a determination has not already been made, will advise the individual when he or she may expect to be advised of action taken on the request. For requests presented in person, written acknowledgement will be provided at the time when the request is presented. No separate acknowledgement of receipt will be issued if the request can be reviewed and the individual advised of the results of the review within the 10 day period.

§ 903.8 Review of request for amendment of record.

(a) Upon receipt of a request for amendment of a record the Privacy Protection Officer will promptly review the record and: either (1) Amend any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or (2) Inform the individual of refusal to amend the record in accordance with the request. In reviewing a record pursuant to a request to amend it, the Corporation will assess the accuracy, relevance, timeliness and completeness of the record in terms of the criteria established in 5 U.S.C. 522a(e)(5). In reviewing a record in response to a request to amend it by deleting information, the Corporation will ascertain whether or not the information is relevant and necessary to accomplish a purpose of the Corporation required to be accomplished by statute or by executive order of the President, as prescribed by 5 U.S.C. 522a(e)(1).

(b) The Corporation shall take the action specified in paragraph (a) of this section within 30 days of receipt of a request for amendment of a record, unless unusual circumstances preclude completion of the action within that time. If the expected completion date for the action, as indicated in the acknowledgement provided pursuant to § 903.5 cannot be met, the individual shall be advised of the delay and of a revised date when action is expected to be completed. If necessary for an accurate review of the record, the Corporation will seek, and the individual will supply, additional information in support of his or her request for amending the record.

(c) If the Corporation agrees with all or any portion of an individual's request to amend a record, the Corporation will so advise the individual in writing, and amend the record to the extent agreed to by the Corporation. Where an accounting of disclosures has been kept, the Corporation will advise all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

(d) If the Corporation disagrees with all or any portion of an individual's request to amend a record, the Corporation shall: (1) Advise the individual of its adverse determination and the reasons therefor, including the criteria used by the Corporation in conducting the review; (2) inform the individual that he or she may request a review of the adverse determination by the Executive Director of the Corporation, or by an officer of the Corporation designated by the Executive Director; and, (3) advise the individual of the procedures for requesting such a review including the name and address of the official to whom the request should be directed.

(e) If the Corporation is apprised by another agency of any corrections or other amendments made to a record contained in the Corporation's system of records, the Corporation will promptly amend its record and advise in writing all previous recipients of the record of the fact that the amendment was made and the substance of the amendment.

§ 903.9 Appeal of initial adverse determination of request for amendment of record.

(a) After receipt by an individual of notice of an adverse determination by the Privacy Protection Officer concerning a request to amend a record, the individual may, within 60 working days after the date of receipt of the notice, appeal the determination by seeking a review by the Executive Director of the Corporation, or by an officer of the Corporation designated by him. The appeal shall be in writing, mailed or delivered to the Executive Director, Pennsylvania Avenue Development Corporation, 425 13th Street, N.W., Suite 1148, Washington, D.C. 20004. The appeal shall identify the record in the same manner as it was identified in the original request, shall indicate the dates of the original request and of the adverse determination and shall indicate the expressed

basis for that determination. In addition, the appeal shall state briefly the reasons why the adverse determination should be reversed.

(b) Not later than 30 days after receipt of an appeal, the Executive Director, or an officer of the Corporation designated by him, will complete a review of the appeal and the initial determination, and either: (1) Determine that the appeal should be granted, take the appropriate action with respect to the record in question, and notify the individual accordingly; or (2) determine that the appeal should be denied.

(c) The reviewing official may, at his or her option, request from the individual such additional information as is deemed necessary to properly conduct the review. If additional time is required, the Executive Director may, for good cause shown, extend the period for action beyond the 30 days specified above. The individual will then be informed in writing of the delay and the reasons therefor, and of the approximate date on which action is expected to be completed.

(d) If the reviewing official denies the appeal, he or she shall advise the individual in writing: (1) Of the decision and the reasons for reaching it; (2) that the denial of the appeal is a final agency action entitling the individual to seek judicial review in the appropriate district court of the United States, as provided in 5 U.S.C. 552a(g); and, (3) that the individual may file with the Corporation a concise statement setting forth the reasons for his or her disagreement with the refusal of the Corporation to amend the record in question.

(e) Any individual having received notices of a denial of an appeal to amend a record may file a statement of disagreement with the Executive Director not later than 60 working days from the date of receipt of the notice. Such statements shall ordinarily not exceed one page in length, and the Corporation reserves the right to reject statements of excessive length. Upon receipt of a proper and timely statement of disagreement, the Corporation will clearly annotate the record in question to indicate the portion of the record which is in dispute. In any subsequent disclosure containing information about which the individual has filed a statement of disagreement, the Corporation will provide a copy of the statement together with the record to which it pertains. In addition, prior receipients of the disputed record will be provided with a copy of statements of disagreement to the extent that an accounting of disclosures was maintained. If the Corporation deems it appropriate, it may also include in any disclosure its own concise statement of the reasons for not making the amendments requested.

§ 903.10 Disclosure of records to persons or agencies.

(a) The Corporation will not disclose any record which is contained in a system of records, by any means of communication to any person or to another agency except: (1) Pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains; (2) to those officers and employees of the Corporation who have a need for the record in the performance of their duties; (3) when required under 5 U.S.C. 522 (The Freedom of Information Act); or (4) pursuant to the conditions of disclosure contained in 5 U.S.C. 552a(b)(3) through 5 U.S.C. 522a(b)(11).

(b) The Privacy Protection Officer of the Corporation shall keep an accounting of each disclosure made pursuant to paragraph (a)(4) of this section, in accordance with 5 U.S.C. 552a(c). Except for disclosures made pursuant to 5 U.S.C. 552a(b)(7), the Privacy Protection Officer shall make the accounting kept under this paragraph available to an individual to whom the record pertains, upon his or her request. An individual requesting an accounting of disclosures should do so at the place, times and in the manner specified in §§ 903.3 (a) and (b).

§ 903.11 Fees for furnishing and reproducing records.

(a) Individuals will not be charged a fee for:

(1) The search and review of the record;

(2) Any copies of the record produced as a necessary part of the process of making the record available for access;

(3) Any copies of the requested record when it has been determined that access can only be accomplished by providing a copy of the record through the mail. The Privacy Protection Officer may provide additional copies of any record without charge when it is determined that it is in the interest of the Government to do so.

(b) Except as provided in paragraph (a) of this section, fees will be charged for the duplication of records at a rate of 10¢ per page. If it is anticipated that the total fee chargeable to an individual under this subpart will exceed $25.00, the Corporation shall promptly notify the requester of the anticipated cost. An advance deposit equal to 50% of the anticipated total fee will be required unless waived by the Privacy Protection Officer. In notifying the requester of the anticipated fee, the Privacy Protection Officer shall extend an offer to the requester to consult so that the request might be reformulated in a manner which will reduce the fee, yet still meet the needs of the requester.

(c) Fees must be paid in full prior to delivery of the requested copies. Remittances may be in the form of cash, personal check, bank draft or a postal money order. remittances, other than cash shall be made payable to the Treasurer of the United States.

§ 903.12 Penalties.

The provision of 5 U.S.C. 552a(i), as added by section 3 of the Privacy Act, make it a misdemeanor subject to a maximum fine of $5,000, to knowingly and willfully request or obtain any record concerning an individual from an agency under false pretenses. Similar penalties attach for violations by agency officers and employees of the Privacy Act or regulations established thereunder.

§ 903.13 [Revised]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 102—DISCLOSURE OF INFORMATION AND PRIVACY ACT OF 1974

Subpart B—Privacy Act of 1974

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AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a)).

Subpart B—Privacy Act of 1974

§ 102.20 Purpose, policy and scope.

This part establishes policy and procedures of the Small Business Administration (SBA) safeguarding an individual against an invasion of personal privacy. Except as otherwise provided by law or regulation issued pursuant thereto SBA officials and employees will:

(1) Permit an individual to determine what records pertaining to him or her are collected, maintained, used, or disseminated by the SBA;

(2) Permit an individual to prevent records pertaining to him on her, obtained by SBA for a particular purpose from being used or made available for another purpose without his or her consent;

(3) Permit an individual to gain access to information pertaining to him or her in the SBA records, to have a copy made of all or any portion thereof, and to correct or amend such records;

(4) Collect, maintain, use, or disseminate any record of identifiable personal information in a manner that assures that such action is for a necessary and lawful purpose, that the information is current and accurate for its intended use, and that adequate safeguards are provided to prevent misuse of such information; and

(5) Permit exemptions from the requirements with respect to records provided in 5 U.S.C. 552a (Privacy Act of 1974) only where an important public policy need for such exemption has been determined by specific statutory authority.

§ 102.21 Definitions.

As used in this subpart:

(1) "Agency" means the Small Business Administration (SBA) and includes all of its offices wherever located;

(2) "Employee" means any officer or employee of the Small Business Administration, regardless of his or her grade, status, or place of employment;

(3) "Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. This term shall not encompass entrepreneurial enterprises (e.g., sole proprietors, partnerships, corporations, or other forms of business entities);

(4) "Maintain" includes maintain, collect, use, or disseminate;

(5) "Record" means any item, collection, or grouping of information about an individual that is maintained by the Small Business Administration, including, but not limited to, 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, such as a finger or voice print or a photograph;

(6) "System of records" means a group of any records under the control of Small Business Administration 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;

(7) "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; and

(8) "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.

§ 102.22 Officials responsible for Privacy Act of 1974.

(a) "Program Official" is the Agency official in every field office and major program area responsible for the system or systems of records in his area. Responsibilities of this position include:

(1) Responding to requests for information from individuals and other sources received from Systems Managers.

(2) Discussing records with individuals.

(3) Amending records in cases where amended information is not controversial and does not involve policy decision making.

(4) Informing individuals of any reproduction fees to be charged.

(5) Maintaining appropriate recordkeeping.

(6) Reviewing records for relevance, timeliness, completeness, and accuracy.

(7) Providing Systems Managers with material for required reports and for publication of rules and notices in the FEDERAL REGISTER.

(b) "Systems Manager" is the Agency employee in each office responsible for implementing and overseeing this regulation and 5 U.S.C. 552a in his or her office. Responsibilities of this position include:

(1) Acting as initial contact person to individuals seeking access or amendment of their records.

(2) Preparing and forwarding access and amendment forms to the appropriate Program Official.

(3) Discussing with the Program Officials requests for which access or amendment will not be allowed, and making initial Agency decisions on access and amendment.

(4) Collecting information from the Program Official and compiling information required for reports and for publication of rules and notices in the FEDERAL REGISTER.

(5) Implementing and administering the records management program within his area of jurisdiction, including training of personnel, keeping required statistical records and making necessary reports.

(d) "Privacy Act Officer" is the Agency official with delegated responsibility for overseeing and implementing 5 U.S.C. 552a and subpart B of part 102 of SBA regulations. Responsibilities of this position include:

(1) Developing training programs for agency personnel in the provisions of the Act and the proposed records management procedures for implementation.

(2) Developing materials such as forms, reporting formats, and directives for implementing the Act.

(3) Preparing reports to the Congress, OMB, and the President, and preparing rules and notices for publication in the FEDERAL REGISTER.

(4) Approving extensions of review periods.

(5) Monitoring the relevance, accuracy, and completeness of records contained in systems of records.

(6) Reviewing appeals referred by Systems Managers concerning requests for amendment and access to records.

(7) Making final Agency decisions on requests for amendment and access to records.

DISCLOSURES

§ 102.23 General conditions of disclosure.

The Agency shall not disclose any record which 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, unless such disclosure is:

(a) To those employees of the Agency who have a need for the record in the performance of their duties;

(b) Required under 5 U.S.C. 552 (Freedom of Information Act);

(c) For a routine use of the record compatible with the purpose for which it was collected;

(d) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to Title 13, United States Code;

(e) 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;

(f) 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 U.S. Government, or for evaluation by the Administrator of General Services or his or her designee to determine whether the record has such value;

(g) 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 Privacy Act Officer specifying the particular portion desired and the law enforcement activity for which the record is sought;

(h) 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;

(i) 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;

(j) 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

(k) Pursuant to the order of a court of competent jurisdiction.

§ 102.24 Information compiled for civil action.

Nothing in these regulations shall allow an individual access to any information compiled by the Agency in reasonable anticipation of a civil action or proceeding. In the event that there should be a question as to whether information should be disclosed pursuant to this section, an opinion shall be obtained from Agency counsel.

§ 102.25 Disclosure of record to person other than the individual to whom it pertains.

(a) Prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to § 102.23(b) of this subpart, the Program Official responsible for the Agency system of records shall make reasonable efforts to assure that such records are accurate complete, timely, and relevant for Agency purposes.

(b) The Program Official shall 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 public record. When a record is disclosed under compulsory legal process, the Program Official may ask legal counsel for a determination as to whether the issuance of the order is a matter of public record and if counsel so determines, then the Program-Official shall notify the individual by mail at his or her last known address. If counsel determines the matter is not of public record, he should request to be advised as to when it becomes public and inform the Program Official so that he may mail the notice at the appropriate time.

§ 102.26 Accounting of disclosures.

(a) With respect to each system of records under Agency control, the Agency will (except for disclosure made under § 102.23 (a) or (b) of this subpart) keep an accurate accounting.

(b) The Program Official shall account for disclosures in the manner defined by Agency guidelines in respect to each system of records under his or her control as follows:

(1) For each disclosure of a record to any person or to another agency made under § 102.23 of this subpart maintain information consisting of the date nature, and purpose of each disclosure of a record, and the name and address of the person or agency to whom the disclosure if made;

(2) Retain the accounting at least 5 years or the life of the record, whichever is longer, after the disclosure for which the accounting is made;

(3) Except for disclosures made under § 102.23(g) of this subpart make the accounting under paragraph (a) of this section available to the individual named in the record at his or her request; and

(4) Inform any person or other agency about any correction or notation of dispute made by the Agency in accordance with § 102.30(e) of this subpart of any record that has been disclosed to the person or agency, if an accounting of the disclosure was made.

(c) An annual report will be prepared by the Privacy Officer disclosing all of the above and a copy of this report will be available for inspection in every Agency field office and the Central Office.

ACCESS AND AMENDMENT

§ 102.27 Requests by individuals to gain access to records.

(a) Any individual upon request may gain access to his or her record or to any information pertaining to him or her which is contained in any system of records maintained by the Agency, except as otherwise provided by law or regulation. Upon request, a person of his or her own choosing will be permitted to accompany him or her, to review the record and have a copy made of all or any portion thereof in a form comprehensible to the individual. The Agency will require, however, a written statement from the individual authorizing discussion of that individual's record in the accompanying person's presence.

(b) The request for access must contain a reasonable description of the Agency system or systems of records sought. The request should be made to the Systems Manager concerned or, if this is not known, to the Privacy Act Officer, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, who will direct the request to the proper Agency official, or if this cannot be ascertained, inform the individual to make the request more specific.

(c) All such requests for information may be made in writing or on forms which shall be available in all SBA offices and provided free of charge for such purposes. The Systems Manager, after reviewing the request for information, may also request other identification of the individual for verification, such as (1) the employee number, (2) the dates of employment, (3) Disaster Home Loan number, (4) driver's license, (5) Medicare card, (6) a signed statement or (7) any additional information as he deems necessary for conclusive verification. The Systems Manager may request a Social Security Number for individual verification, although access may not be denied for refusal to disclose this number as provided in § 102.32(e). If he is unable to identify the record from the information submitted, he may require additional information. Requests will be honored only after showing, satisfactory to the Systems Manager, that the individual or his representatives has proper authorization.

(d) The Systems Managers in the offices or programs involved will notify the individual requesting disclosure of his or her record or information pertaining to him or her of the time, place and conditions under which the Agency will comply to the extent permitted by law and regulation.

(e) Upon receipt of a request for access to a record the Systems Manager shall promptly, but in any case within ten (10) days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of the request, notify the individual in writing that the request has been granted or denied. In the event of denial the decision should state the concise reasons for such denial and inform the individual of the name and address of the Privacy Act Officer to whom he or she may address an appeal of this initial Agency decision. In the event that the request is granted, the notification to the requestor should state: (1) The Agency's determination that, unless requestor objects for good cause, it can grant access to a record only by providing a copy through the mail because it cannot otherwise provide reasonable means for the individual to have access to his or her record in person; or (2) the time and place(s) where the record may be reviewed.

§ 102.28 Appeal to Privacy Act Officer.

(a) Any individual who disagrees with the initial Agency decision to deny access to his or her record may request a review of such refusal by addressing his or her written request to the Privacy Act Officer. All such requests for appeal should be submitted within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure to make a determination. Requests should specify the reasons for said review and shall be accompanied by affidavits, statements or such other supporting material as the individual feels necessary to justify his or her appeal.

(b) The Privacy Act Officer shall consider the decision of the Systems Manager together with the material submitted by the requesting individual. The Privacy Act Officer may also examine any other materials which he or she may consider relevant. He or she may call upon the Office of General Counsel for a legal opinion and any other Agency or program official who might have specialized knowledge in the pertinent area. In conducting the appeal, the Privacy Act Officer should follow the criteria for access to records specified in 5 U.S.C. 552a and SBA regulations.

(c) The Privacy Act Officer shall, not later than thirty (30) days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final Agency determination unless, for good cause shown, the Privacy Act Officer extends such thirty (30) day period.

(d) In the event that the Privacy Act Officer extends the period he or she shall inform the individual of the extension and notify the individual of the date on which he or she can expect a decision. If, after his or her review, the Privacy Act Officer also refuses to grant access to the record, he or she shall notify the individual of the reason for denial and the provisions for judicial review of the Agency determination.

§ 102.29 Requests for correction or amendment to record.

(a) Any individual may request the Agency to amend a record pertaining to him or her. The request should be made to the Systems Manager concerned or, if this is not known, to the Privacy Act Officer, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

(b) All requests by an individual to amend a record shall be made in writing, to the Systems Manager, with supporting documentation as may be necessary, and preferably on forms provided by the Agency. The Systems Manager shall not later than ten (10) days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request to amend a record, acknowledge in writing such receipt. The Systems Manager shall promptly:

(1) Make any correction of any portion thereof which the individual believes is not accurate, relevant, timely or complete; or

(2) Inform the individual of the Agency's initial refusal to amend the record in accordance with the request, the reason for the refusal and the name and address of the Privacy Act Officer to whom the individual may appeal the decision.

(c) Systems Managers shall, upon request by individuals seeking to have a record pertaining to them amended, give advice as to the procedures to be followed hereunder.

(d) Systems Manager shall, if the request for amendment has been granted, send an amended copy of the record to prior recipients of the record.

§ 102.30 Appeal of initial Agency determination on correction or amendment of a record.

(a) Any individual who disagrees with the refusal of the Systems Manager to amend his or her record may request a review of such refusal by addressing his or her written request to the Privacy Act Officer. All such requests for appeal should be submitted within thirty (30) days of the date of denial, or within ninety (90) days of such request if the appeal is from a failure to make a determination. Requests should specify the reasons for said review and shall be accompanied by affidavits, statements or such other supporting material as the individual feels necessary to justify his or her appeal.

(b) The Privacy Act Officer shall consider the initial decision of the Systems Manager and the material submitted by the requesting individual, together with any and all other materials which he or she may consider relevant. He or she may call upon the Office of General Counsel for a legal opinion and any other Agency or program official who might have specialized knowledge in the pertinent area, to aid in the decision. In conducting the appeal, the Privacy Act Officer shall use the criteria of accuracy, relevance, timeliness, and completeness of the record. The Privacy Act Officer may, at his or her option, seek such additional information as is deemed necessary to satisfy those criteria, i.e., to establish that the record contains only that information which is necessary, accurate, and complete to assure fairness in any determination which may be made about the individual on the basis of the record. With respect to requests to delete information contained in an Agency file, the Privacy Act Officer should follow the same criteria as above namely that the information in the file must be only that which is relevant and necessary to accomplish the purpose of the Agency required to be accomplished by law or regulation.

(c) The Privacy Act Officer shall, not later than thirty (30) days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the individual requests such review, complete such review and make a final Agency determination unless, for good cause shown, the Privacy Act Officer extends such thirty (30) day period. The Privacy Act Officer should not extend the time hereunder unless "unusual circumstances" are found to exist.

(d) In the event that the Privacy Act Officer extends the period he or she shall inform the individual of the extension and notify him or her of the date on which a decision can be expected. If after his or her review, the Privacy Act Officer also refuses to amend the record in accordance with the request, he or she shall permit the individual to file with the Agency a concise statement setting forth the reasons for his or her disagreement with the refusal of the Agency, and notify the individual of the provisions for judicial review of the Agency determination.

(e) In any subsequent disclosure, containing information about which an individual has filed a statement of disagreement with an Agency refusal to amend a record, the Agency shall clearly note any portion of the record which is disputed and provide copies of the statement of disagreement and, if the Privacy Act Officer deems it appropriate, copies of a concise statement of the reasons of the Agency for not making the amendments requested, to persons or other agencies to whom the disputed record has been disclosed.

(f) In the event that an individual has filed a statement of disagreement with an Agency refusal to amend a record, the Agency shall clearly note any portion of the record which is disputed and provide copies of the statement of disagreement and, if the Privacy Act Officer deems it appropriate, copies of a concise statement of the reasons of the Agency for not making amendments requested, to prior recipients of the disputed record.

MISCELLANEOUS

§ 102.31 Maintenance of records of SBA.

(a) The Privacy Act Officer shall be responsible to see that the Agency:

(1) Maintains 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;

(2) Collects 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;

(3) Informs 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:

(i) 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;

(ii) The principal purpose or purposes for which the information is intended to be used;

(iii) The routine uses which may be made of the information, as published pursuant to 5 U.S.C. 552a; and

(iv) The effects on him or her, if any, of not providing all or any part of the requested information;

(4) Publishes in the FEDERAL REGISTER at least annually a notice of the existence and character of the 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;

(v) The policies and practices of the Agency regarding storage, retrievability, access controls, retention, and disposal of the records;

(vi) The title and business address of the Agency official who is responsible for the system of records;

(vii) The Agency procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(viii) The Agency procedures whereby an individual can be notified at his 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

(ix) The categories of sources of records in the system.

(b) The Privacy Act Officer shall, in addition to his other duties hereunder;

(1) Establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and procedures adopted pursuant to this subpart and the penalties for noncompliance;

(2) 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; and

(3) At least thirty (30) days prior to publication of information under paragraph (a)(4) of this section publish in the FEDERAL REGISTER notice of any new use or intended use of the information in the system, and privide an opportunity for interested persons to submit written data, views, or arguments to the Agency; and

(4) Maintain all records which are 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.

(c) The Systems Managers shall be responsible for seeing that their office maintains 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. The exercise of these rights includes, but is not limited to, religious and political beliefs, freedom of speech and the press, and freedom of assembly and to petition.

§ 102.32 Other provisions.

(a) *Personnel Records.* All Agency personnel records and files, as prescribed by the Civil Service Commission, shall be maintained in such a way that the privacy of all individuals concerned is protected in accordance with regulations of the Civil Service Commission (5 C.F.R. Parts 293 and 297).

(b) *Systems Operated by Contract.* In the event that the Agency shall provide by a contract for the operation by or on behalf of the Agency of a system of records to accomplish an Agency function, the Agency shall, consistent with its authority, cause the requirements of this subpart to be applied to such system. Any such contractor and any employee of such contractor, if such contract is agreed to on or after the effective date of this regulation, shall be considered to be an employee of the Agency for the purposes of this regulation.

(c) *Mailing Lists.* The Agency will not sell or rent an individual's name or address. This provision shall not be construed to require the withholding of names or addresses otherwise permitted to be made public.

(d) *Changes in Systems.* The Agency shall provide adequate advance notice to Congress and the Office of Management and Budget 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.

(e) *Social Security Numbers.* The Agency shall not, henceforth, require any individual to disclose his or her social security account number and shall not deny to any individual any right, benefit, or privilege provided by law because of his or her refusal to so disclose. Any Agency request for an individual to disclose his or her social security account number shall inform that individual that disclosure is voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

(f) *Disclosure to Representative.* Upon request, personnel records of an employee or former employee, shall be disclosed to the individual to whom the record pertains and under whose individual name and/or identifier they are filed. A person of his or her own choosing may accompany the individual when the record is disclosed, or the record may be released to the individual's representative who has the notarized written consent of the employee or former employee. Any disclosure of original records must be made in the presence of a representative of the Agency having physical custody of the records. (See 5 CFR 297.111 (a)).

(g) *Representatives of Minors and Incompetents.* For the purpose of subpart B of Part 102, 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.

(h) Medical Records. Medical records shall be disclosed to the individual to whom they pertain unless, in the judgement of the Privacy Act Officer, access to such record could have an adverse effect upon such individual. The Agency may, however, transmit such information to a medical doctor named by the requesting individual. In regard to medical records in personnel files, see also 5 CFR 297.111(a)(1).

§ 102.23 Fees.

(a) The Agency shall charge no fee for providing the first copy of a record or any portion thereof to an individual requesting disclosure of information filed in his or her personnel records. (5 CFR 297.115).

(b) For all other copies of records made pursuant to this regulation, the Agency will not charge for the cost of any search for and review of the record and when the Agency makes a copy of a record as a necessary part of its process of making the record available for review, but may charge for all other reproduction at ten cents per page.

(c) Fees will be waived when less than $5.

§ 102.34 General exemptions.

No Agency records system or systems as such are exempted from the provisions of 5 U.S.C. 552a as permitted under certain conditions by 5 U.S.C. 551a(j) except as may be designated by rules promulgated by the Administrator of the Small Business Administration and published in the FEDERAL REGISTER as required.

102.35 Specific exemptions.

(a) *Systems of records subject to investigatory material exemption under 5 U.S.C. 552a(k)(2), or 5 U.S.C. 552a(k)(5),* or both.

(1) *Audit Reports—SBA 025,* a system containing investigations concerning the use of funds by recipients of disaster home loans;

(2) *Litigation and claims file—SBA 220,* a system containing information concerning recipients of disaster home loans and other individuals who are parties to lawsuits or claims involving SBA;

(3) *Personnel Security Files—SBA 315,* a system containing background information on active and inactive SBA employees;

(4) *Security and Investigations Files—SBA 360,* a system which contains information on individuals seeking or receiving SBA assistance, individuals involved in business or other organizations seeking or receiving such assistance, representatives of applicants for SBA assistance, members of advisory councils, and SCORE/ACE volunteers;

(5) *Security and Investigation Referals—SBA 365,* a system containing information relating to referrals for investigation of possible misconduct by SBA employees, and individuals involved in seeking or obtaining SBA assistance; and

(6) *Standards of Conduct Files—SBA 380,* a system containing information concerning outside employment and financial interests of SBA employees, conduct of SBA employees, and related matters.

(b) *Privacy Act provisions from which exempt.* The systems of records described in this section are exempt from subsections (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(1), 4G, H, and I (Agency Requirements), and (f) (Agency Rules) of 5 U.S.C. 552a.

(c) *Reasons for exemptions.* The systems of records described in this section are exempt for one or more of the following reasons:

(1) To prevent the subject of investigations from frustrating the investigatory process.

(2) To protest investigating material compiled for law enforcement purposes.

(3) To fulfill commitments made to protect the confidentiality of sources and to maintain access to necessary sources of information.

(4) To prevent interference with law enforcement proceedings.

§ 102.36 Judicial review.

Any individual may bring a civil action against the Agency in a district court of the United States as provided by 5 U.S.C. 552a(g)(1) whenever the Small Business Administration:

(a) Makes a final determination under § 102.30 not to amend an individual's record in accordance with his or her request, or fails to make such review in conformity with that section;

(b) Makes a final determination under § 102.27 to refuse a request to gain access to a record;

(c) Fails to maintain any record concerning any 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 consequently a determination is made which is adverse to the individual; or

(d) Fails to comply under any other provision of 5 U.S.C. 552a or any Agency rule or regulation promulgated thereunder, in such a way as to have an adverse effect on an individual.

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

Sec.

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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 Assocation, 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 indentified 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 assureance 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 with 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 accompained 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 comparision 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 comparision 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.

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