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Monday
December 7, 1981

Highlights

59939 **Claims Against Iran** Treasury/FACO issues rule on registration of bank claims against escrow account at the Bank of England. (Part VII of this issue)

59622 **Pesticides—Predators** EPA announces receipt of applications to use sodium fluoroacetate (Compound 1080) to control coyotes and other livestock predators.

59572 **Grant Programs—Education** ED invites applications for new awards under the Comprehensive Program Final Year Dissemination Competition.

59573 ED solicits applications for continuation of multi-year projects under the Field Initiated Research Program.

59570 ED lists certain applications for review accepted for hearings by the Education Appeal Board.

59734 **Recombinant DNA Research** HHS/NIH reports on proposed actions to be taken under guidelines. (Part II of this issue)

59872, 59924 **Energy—Fuel Use** DOE issues final rule and proposal on administrative procedures and exemption criteria applicable to electric powerplants and major fuel burning installations. (Part IV of this issue) (2 documents)

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

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59643 **Continental Shelf** Interior/GS temporarily closes application period for certified verification agents.

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59630 **Air Pollution Control** EPA announces release of draft control techniques guidelines for large petroleum dry cleaners and synthetic organic chemical, polymer, and resin manufacturing equipment.

59550 **Noise Control—Highways and Roads** DOT/FHWA proposes to revise procedures for abatement of traffic and construction noise.

59533 **Highways and Roads** DOT/FHWA revises requirements for participation in Federal-Aid Research and Development Program.

59545 **Motor Carriers** ICC adopts accounting principles for intangible assets.

59689 **Motor Vehicle Safety** DOT/NHTSA removes reference to pedals from definition of mopeds.

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59685 **Regulatory Flexibility Review Plan** DOT/CG

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 201

Federal Seed Act Regulations; Changes in Botanical Names, Testing Methods and Certification Standards

Correction

In FR Doc. 81-31459 appearing on page 53634 in the issue of Thursday, October 29, 1981, make the following corrections:

Under the amendments to Table 2 of § 201.58(c), in the third column of page 53639, in the seventh line, "supsp. unguiculata" should have read "subsp. unguiculata."

In Table 5 to § 201.76, on page 53640, the entry for "Triticale; Registered; Land" now reading "?7" should have read "?1."

BILLING CODE 1505-01-M

Animal and Plant Health Inspection Service

9 CFR Parts 71 and 83

Screwworms; Lifting of Restrictions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document relieves restrictions no longer deemed necessary to prevent the spread of screwworms (myiasis) in the United States. Surveillance activity indicates that screwworm infestations no longer occur in the United States. This action removes regulations no longer considered necessary for the control of recurring screwworm infestations and identifies recurring screwworm infestations as a disease not known to exist in the United States rather than a disease which is endemic to the United States.

EFFECTIVE DATE: January 6, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Floyd E. Smith, USDA, APHIS, VS, Room 733, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8233.

SUPPLEMENTARY INFORMATION: This action has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." The Department has determined that this rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and should have no adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

On Wednesday, July 15, 1981, there was published in the **Federal Register** (46 FR 36711-36712), proposed amendments to the regulations (9 CFR Parts 71 and 83) to remove regulations no longer considered necessary for the control of recurring screwworm infestations and to identify recurring screwworm infestations as a disease not known to exist in the United States rather than a disease which is endemic to the United States.

A 60-day comment period was provided for receipt of comments which expired on September 14, 1981. No comments were received.

There is no feasible alternative to this final rule. Surveillance activity indicates that screwworm infestations no longer occur in the United States. Therefore, this final rule relieves restrictions no longer deemed necessary to prevent the spread of screwworms (myiasis) in the United States.

This document amends 9 CFR Part 71, to reflect the change in status of recurring screwworm infestations from a disease endemic to the United States to a disease not known to exist in the United States and removes Part 83 from Title 9, Code of Federal Regulations (9 CFR).

Screwworms are obligate parasites of all warmblooded animals. The larvae feed in wounds of living warmblooded animals causing severe tissue damage and oftentimes death if untreated.

A Federal program to eradicate the pest from the southeastern part of the country using the sterile fly technique was successful in 1958 to 1959. Another campaign to free the southwestern States was declared successful in 1964 to 1965; however, migrations of wild flies from Mexico continued to reinfest the United States in spite of a barrier of sterile flies maintained along the common border between the two countries. The Government of Mexico and the United States entered into a Cooperative Agreement in 1972 to eradicate screwworms from Mexico down to the Isthumus of Tehuantepec and there reestablish the barrier.

The joint program has succeeded to the point that recurring screwworm infestations have been eliminated from the United States and infestations in Mexico have been pushed sufficiently far south to provide protection to the United States.

Currently, Part 83 states that screwworm infestations usually exist from April 15 through November 30 of each year in portions of the States of Arizona, California, New Mexico, and Texas, as designated in paragraphs (a), (b), (c), and (d) of section 83.2 (9 CFR, Part 83.2). This action removes the restrictions presently imposed on these areas.

Also, Part 71.3(a) identifies "screwworms" as a disease endemic to the United States. Any animals or poultry affected by such diseases are not permitted to be moved interstate. The Department maintains surveillance for screwworm infestations in the United States. During Fiscal Year 1980, only two cases of screwworms occurred in the country. During Fiscal Year 1981, only three cases involving five animals occurred in this country. These cases were individual and isolated, and no further cases occurred following treatment with sterile flies, the Screwworm Adult Suppression System (SWASS), and animal and herd treatment.

This action removes Part 83 from Title 9, Code of Federal Regulations and deletes the word "screwworms" from § 71.3(a) and adds the word "screwworms" to § 71.3(b), thereby identifying "screwworms" as a disease not known to exist in the United States. Animals and poultry affected by such

diseases are also prohibited from moving interstate. The change simply reflects the fact that screwworm infestations are no longer considered by the Department to be endemic to the United States.

Part 71 of the regulations contains general provisions relating to the interstate transportation of animals (including poultry) and animal products. Section 71.3 generally prohibits the interstate movement of diseased animals and poultry with certain limited exceptions not applicable to screwworms. Section 71.3(f) requires anyone that transports livestock interstate to exercise "reasonable diligence" to ascertain whether such animals or poultry are affected with any contagious, infectious, or communicable disease, or have been exposed to the contagion or infection of such disease. . ."

The differences between Part 71 and Part 83 can be viewed as a lessening of the regulatory burden on livestock owners and shippers. However, if outbreaks of screwworms become widespread once more, the lack of strict procedures to control them could result in severe losses for these same owners and shippers. The applicable laws and regulations (9 CFR 71.2), however, do provide the Secretary with authority to issue quarantines, if he deems them necessary. Such quarantines should be adequate to control any outbreaks of screwworms.

Accordingly, Parts 71 and 83, Title 9, Code of Federal Regulations, are amended in the following respects.

PART 71—GENERAL PROVISIONS

§ 71.3 [Amended]

1. In § 71.3(a), the word "screwworms" is deleted.

2. In § 71.3(b), the word "screwworms" is added after the term "vesicular exanthema," and before the words "and glanders."

PART 83—SCREWWORMS [REMOVED]

3. 9 CFR Part 83—Screwworms, is removed in its entirety.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264 and 1265, as amended; (21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 1st day of December 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-34894 Filed 12-4-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 21905, Special Condition No. 25-102-NM-7]

Special Conditions: Cessna Model 650 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Final Special Conditions.

SUMMARY: This amendment corrects errors made when the special conditions for the Cessna 650 series airplane were printed in the **Federal Register** (46 FR 51729) on October 22, 1981. This amendment is required to complete the description of the altitude depressurization requirements which were inadvertently omitted from Special Conditions No. 25–102–NM–7. Additionally, the Code of Federal Regulations citation is corrected to 14 CFR Part 25.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Iven Connally, Lead Region Staff, FAA Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION: When final Special Conditions No. 25–102–NM–7 were published, Figures 3 and 4 were inadvertently omitted. These illustrations provide the necessary design criteria for the Cabin repressurization system. Also, the Code of Federal Regulations citation was published as 14 CFR Part 21. The correct citation is 14 CFR Part 25.

PART 25—AIRWORTHINESS STANDARDS; TRANSPORT CATEGORY AIRPLANES

Adoption of the Amendment

Accordingly, Part 25 of the Federal Aviation Regulations (14 CFR Part 25) is amended to include Figures 3 and 4.

Note.—The FAA has determined that this document involves a regulation which is not a major rule under Executive Order 12291 or a significant regulation under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). Since this regulatory action corrects an inadvertent omission and does not make a substantive change, the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on November 25, 1981.

M. Craig Beard,

Director of Airworthiness.

BILLING CODE 4910-13-M

For Figures 3 and 4, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. Areas wherein the actual cabin altitude-time history falls below the curve may be used to compensate, by integration, for areas wherein the actual cabin altitude-time history reasonably exceeds the curve. Time is concluded when cabin altitude returns to 8,000 feet.

Figure 3

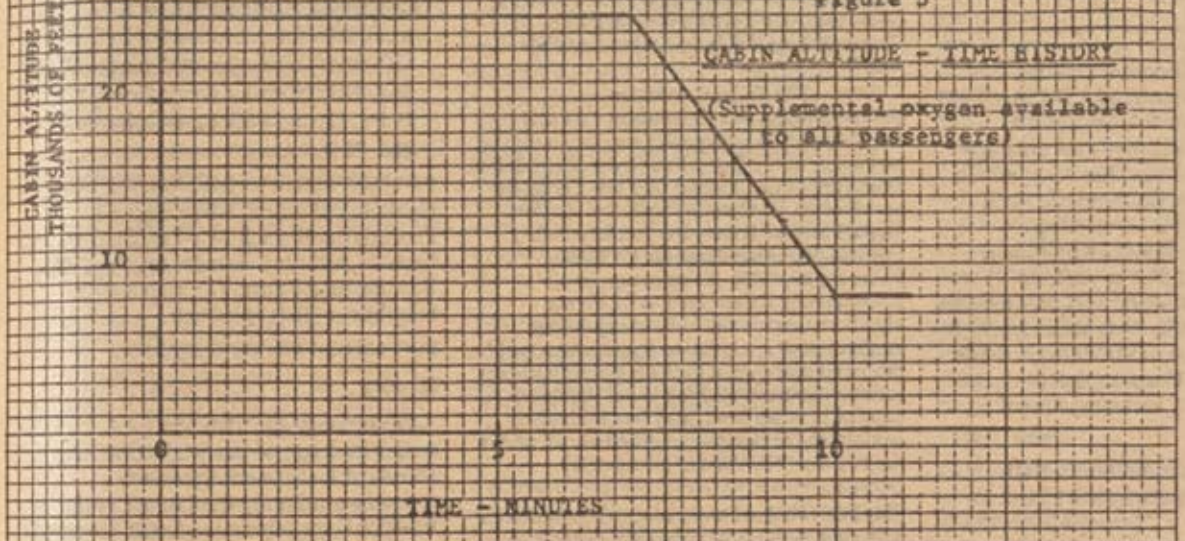
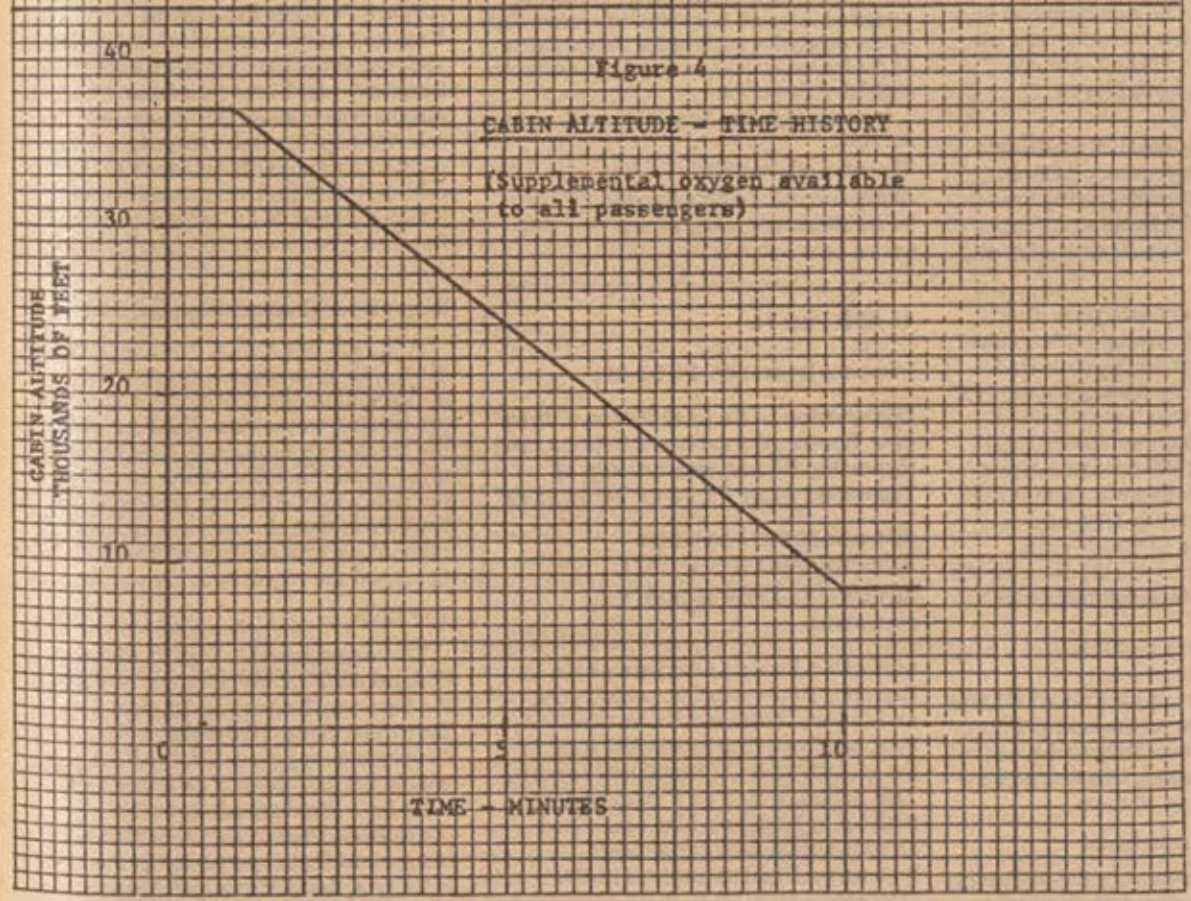


Figure 4



[FR Doc. 81-34029 Filed 12-4-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 81-EA-67; Amdt. 39-4272]

Airworthiness Directives; Piper PA-38-112

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This directive amends Airworthiness Directive (A.D.) 81-04-07 applicable to Piper PA-38-112 fin forward spar assemblies and fuselage bulkhead assemblies. This A.D., which requires the inspection and repair, if necessary, of the fin forward spar assembly and the fuselage bulkhead assembly, is amended to limit its requirements to aircraft S/N 38-78A0001 through 38-80A0198. This amendment is made to reflect the modifications made by Piper Aircraft Corp. to these assemblies in 1981 and subsequent models.

EFFECTIVE DATE: December 9, 1981. Compliance is required as set forth in the A.D.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: This A.D. was originally prompted to avoid possible hazards in flight associated with cracks in the fin forward spar, P/N 77601-03, and the fuselage bulkhead assembly, P/N 77553-02. The original A.D. applied to all PA-38-112 aircraft.

It has now been determined that this A.D. is not necessary in 1981 and subsequent models of this aircraft because of modifications made to the fin forward spar and fuselage bulkhead assemblies.

In view of the fact that this amendment relaxes present requirements, and imposes no additional burdens on anyone, notice and public procedure are unnecessary and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations, 14 CFR 39.13 is amended, by amending AD 81-04-07 as follows:

Amend AD 81-04-07 as follows:

(a) In the applicability section, insert after Model PA-38-112 "Serial Nos. 38-78A0001 thru 38-80A0198."

Effective Date: This amendment is effective December 9, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Dept. of Trans. Act, 49 U.S.C. 1655(c) and 14 CFR 11.89)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the court of appeals of the United States or the United States Court of Appeals for the District of Columbia.

Issued in Jamaica, New York, on November 25, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region

[FR Doc. 81-34932 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-SO-66]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area, Parsons, Tennessee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This rule designates the Parsons, Tennessee, Transition Area and lowers the base of controlled airspace from 1200 to 700 feet AGL in the vicinity of Scott Municipal Airport. This action, which was inadvertently omitted in 1980, provides controlled airspace protection for aircraft instrument flight operations at the airport.

DATES: Effective date: 1900 G.m.t., November 20, 1981; comments on the rule must be received before January 10, 1982.

ADDRESSES: Send comments on the proposal to:

Federal Aviation Administration, Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On January 24, 1980, the FAA authorized use of the VOR/DME-A standard instrument approach procedure utilizing the Jacks Creek VORTAC for aircraft at Scott Municipal Airport, Parsons, Tennessee. Designation of the required controlled airspace for protection of aircraft instrument flight operations at the airport was inadvertently omitted. This rule corrects the deficiency. In conjunction with the issuance of this rule, a Notice to Airmen was issued which advised of the existence of the Parsons, Tennessee, 700-foot Transition Area.

Request for Comments on the Rule

Although this action is in the form of a Final Rule and was not preceded by notice and public procedure, comments are invited on the rule. The FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, rulemaking proceedings will be initiated to amend the regulation.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Parsons, Tennessee, 700-foot Transition Area. Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to provide controlled airspace for protection of instrument flight operations in the vicinity of Scott Municipal Airport. Therefore, I find that notice or public procedure under 5 U.S.C. 553 is impractical and good cause exists for

making the rule effective in less than thirty days of publication.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 1900 G.m.t., November 20, 1981, by adding the following:

Parsons, Tennessee

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Scott Municipal Airport (Lat. 35°38'20"N., Long. 88°07'43"W.), excluding the portion within the Lexington, Tennessee, transition area.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), sec. 6(c), Dept. of Trans. Act (49 U.S.C. 1655(c)))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action involves only a small alteration of navigable airspace and air traffic control procedures over a limited area.

Issued in East Point, Georgia, on November 20, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81-34931 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 80-AGL-52]

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: On July 16, 1981, the Federal Aviation Administration published in the **Federal Register** (46 FR 36837), FR Doc. 81-20793, the establishment of a transition area near Ortonville, Minnesota, to be effective October 1, 1981. The nature of this action is to correct discrepancies subsequently noted in the Ortonville, Minnesota, transition area description.

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to make minor revisions to the Ortonville, Minnesota, transition area description so as to better correlate the area to be charted with areas currently charted in regards to arc definition and latitude coordinates associated with airspace extending upward from 1200 feet above the surface.

Discussion of Comments

On page 12004 of the **Federal Register** dated February 12, 1981, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ortonville, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 21, 1982 as follows:

In § 71.181 (46 FR 540) the following transition area is added:

Ortonville, Minnesota

That airspace extending upward from 700' above the surface within 6.5 miles of the Ortonville Municipal Airport (latitude 45°18'05" N, longitude 96°25'25" W), extending south 3 miles either side of the 182° bearing from Ortonville Municipal Airport from 6.5 to 8.5 miles, and that airspace extending upward from 1200' above the surface from 45°57'30" N, 97°01'00" W, counterclockwise along the 28 mile arc of the Wahpeton, North Dakota Airport to the Minnesota State Line; thence south along the Minnesota State Line; to 44°32'30" N, excluding that portion that overlies the Ortonville Municipal Airport 700-foot transition area; thence west to 44°33'00" N, 96°45'00" W; thence northwest to 44°40'30" N, 96°50'00" W, thence counterclockwise along the 26-mile arc of the Watertown, South Dakota, VOR to the Watertown 086° radial; thence west to the 14.5 mile point on the Watertown 086° radial; thence counterclockwise on the 14.5 mile arc of the Watertown VOR to the Watertown 001° radial; thence north to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on November 18, 1981.

Paul K. Bohr,

Acting Director, Great Lakes Region.

[FR Doc. 81-34933 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ARM-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Extension of VOR Federal Airways and Designation of VOR Federal Airways

Correction

In FR Doc. 81-33976 appearing on page 57891 in the issue of Friday, November 27, 1981, make the following correction:

In the first column of page 57892, under "2. *V-401 [New],*" change "Caster, WY" to read "Casper, WY."

BILLING CODE 1505-01-M

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14 CFR Part 71

[Airspace Docket No. 81-AEA-4]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Redesignation of Northeast Area Airway Structure

Correction

In FR Doc 81-33975 appearing on page 57892 in the issue of Friday, November 27, 1981, make the following correction:

In the center column of page 57892, under **"History"** in the 16th and 17th lines of the paragraph, "additional

changes" should have read "editorial changes."

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8959]

RSR Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on December 2, 1976 (42 FR 4; 88 F.T.C. 800), so as to relieve respondent of the obligation of divesting the lead recycling plants specified in the original order, since no purchaser(s) could be found. Among other things, the modified order requires respondent to timely divest or auction at no minimum price all the assets and properties (with certain specified exceptions) constituting the lead recycling plants in Dallas, Texas and Seattle, Washington, and offer to license all of its patented sulphur removal and battery recycling process to a qualified purchaser(s).

DATES: Order issued December 2, 1976. Modifying order issued November 13, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Selig Merber, Washington, D.C. 20580. (202) 376-2891.

SUPPLEMENTARY INFORMATION: In the Matter of RSR Corporation, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, and appearing at 42 FR 4, remain unchanged.

The Order Modifying Order To Divest and To Cease and Desist, including further order requiring report of compliance therewith, is as follows:

On April 17, 1981, respondent RSR Corporation filed a "Petition for Relief From Divestiture Order," seeking to be relieved of its obligation to divest Quemetco, Inc. on the ground that it has been unable to find an acquirer for Quemetco's lead recycling plants at any price. Based upon respondent's petition, supplemental information submitted by respondent, and other information available to it, the Commission has determined that it is in the public interest to reopen and modify the order in this case. The Commission also has considered a draft agreement between its staff and respondent concerning modification of the order and has determined that the agreed-to modification is in the public interest. Accordingly,

It is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That Paragraphs I, II and VII of the Final Order to divest and to cease and desist issued by the Commission on December 2, 1976 be, and they hereby are, modified to read as follows:

I.

It is ordered, That Respondent, RSR Corporation (hereinafter "RSR"), a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, shall divest all assets, title, properties, interest, rights and privileges, of whatever nature, tangible and intangible, including without limitation all buildings, machinery, equipment, customer lists, and other property of whatever description that comprise the lead recycling plants owned by RSR subsidiaries in Dallas, Texas and Seattle, Washington, except as listed in Appendix A hereto. The plants may be divested either as a unit or separately. In the event that divestiture is not accomplished by other means, RSR must auction the plants, at no minimum price, to an acquirer or acquirers who represent that the plants will be used as lead recycling plants. The divestiture required by this Paragraph shall be absolute, shall be accomplished no later than one (1) year from the date when this modified order shall become final, and shall be subject to the prior approval of the Federal Trade Commission.

II.

It is further ordered, That such divestiture shall be accomplished absolutely and in good faith to an acquirer or acquirers approved in advance by the Federal Trade Commission so as to transfer the plants as operable and viable plants engaged in the production of recycled bulk lead, lead alloys and lead products. RSR shall grant to the acquirer or acquirers of the plants ordered to be divested under this order, at the option of such acquirer or acquirers, a non-exclusive license, subject to a reasonable royalty not to exceed 2 percent, to all of RSR's patented sulphur removal and battery recycling processes; *provided, however,* That in the event the acquirer of either of the plants to be divested is a battery manufacturer RSR shall only be required to grant such patent licenses to such an acquirer for use at the acquired plant; and *further provided,* That RSR is not required to grant such licenses to an acquirer that is a primary lead producer.

VII.

It is further ordered, That within thirty (30) days from the effective date of this modified order and every sixty (60) days thereafter until it has fully complied with Paragraph I of this modified order, RSR shall submit a verified report in writing to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying or has complied therewith. All such reports shall include, in addition to such other information and documentation as may hereafter be requested, (a) a specification of the steps taken by RSR to make public its desire to divest the Dallas, Texas and Seattle, Washington plants, (b) a list of all persons or organizations to whom notice of divestiture has been given, (c) a summary of all discussions and negotiations together with the identity and address of all interested persons or organizations, and (d) copies of all reports, internal memoranda, offers, counteroffers, communications and correspondence concerning said divestiture.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-35004 Filed 12-4-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-18279]

Delegation of Authority to the Director of the Division of Market Regulation

Correction

In FR Doc. 81-34423, appearing on page 58291, in the issue of Tuesday, December 1, 1981, the "Part number" in the heading was incorrect.

The heading should read as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM 79-76 (Virginia-1); Order No. 191]

High-Cost Gas Produced From Tight Formations; Adoption of Designation Recommendation

Correction

In FR Doc. 81-34371 appearing on page 58295, in the issue of Tuesday, December 1, 1981, make the following correction.

On page 58296, first column, above the amendatory language, the part heading should have read:

PART 271—CEILING PRICES

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 3E1367/R84; PH-FRL-1978-8]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Captan

Correction

In FR Doc. 81-32203, appearing on page 55091, in the issue of Friday, November 6, 1981, make the following correction.

On page 55092, first column, the "Part heading" should have read:

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

BILLING CODE 1505-01-M

21 CFR Part 561

[FAP 7H5165/T76; PH-FRL-1979-5]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Tricyclazole

Correction

In FR Doc. 32208, appearing on page 55092, in the issue of Friday, November 6, 1981, make the following correction.

On page 55093, first column, the "Part heading" should have read:

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 511, 520, 522, 524, 530, 542, 544 and 560

Research and Development Studies Conducted by State Agencies; Revision of Regulations

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: As part of a continuing effort to reduce paperwork burdens imposed on the States, the FHWA is revising the policies and procedures applicable to federally funded research and development studies conducted by State highway agencies. These revisions clarify and reduce existing requirements for participating in the Federal-Aid Research and Development Program, and provide greater flexibility for program participants.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Harry H. Hersey, Offices of Research and Development, 703-285-2057; or Lee Burstyn, Office of the Chief Counsel, 202-426-0791, Federal Highway Administration, 400 Seventh Street, SW, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: In 1970, the Federal Highway Administration established the Federally Coordinated Program of Research and Development in Highway Transportation to improve the coordination of research work being done by FHWA and the State highway agencies (SHA's). Part of that program is the Federal Aid Research Program (R&D Program) which was established to provide financial assistance to SHA's that are conducting research studies on highway design, construction, and operation.

To date, the regulatory policies and procedures governing federally aided R&D by the States appear in eight parts (Parts 520, 522, 524, 530, 540, 542, 544, and 560) in Subchapter F, Chapter I of Title 23, Code of Federal Regulations. This rulemaking action will consolidate those eight parts into one part (Part 511) as follows: Current Part 520 (Management of R&D Program—General) will be covered in §§ 511.1 (Purpose) and 511.4 (Policy). All the definitions from throughout the current CFR parts will be consolidated into one section (§ 511.3—Definitions). Part 522 (Research and Development Property Management) will be covered in new § 511.7 (Equipment and Patents). The material in Part 524 (R&D Management Option) will be found in § 511.10 under the same title. Part 530 (R&D Annual Work Program) will become § 511.5 (Work Program and Changes), and Part 540 (R&D New Studies) will become § 511.6 (Study Proposals and Changes). In addition, most of the material in Part 542 (R&D Studies—Changes and Terminations) will be transferred to §§ 511.5 and 511.6 just mentioned above. The material in Part 544 (Reports on R&D Studies) will be found in § 511.8 (R&D Reports). Material from Part 560 (Federal-Aid Funds without State Matching on Special R&D Projects) will be transferred to § 511.9 (Criteria for Cooperatively Funded Studies). A table summarizing these revisions is included at the end of this preamble.

New Part 511 will correspond to Volume 5, Chapter 1, Section 1 of the Federal-Aid Highway Program Manual.

The purpose of the final rule is to revise and simplify the policies and procedures applicable to R&D programs in order to reduce unnecessary requirements and paper work. Among other changes, the final rule will (1) relieve participants of the requirement of an individual statement for each study in the work program, (2) reduce burdens on small-scale (Type B) programs by raising their budget limits and eliminating the work program limits for completing studies, (3) eliminate the requirement that technical papers and articles have FHWA review and acceptance, and (4) modify the requirements for the submission of progress reports.

On September 19, 1979, the Federal Highway Administration issued a proposed rule, published at 44 FR 55766, FHWA Docket No. 79-21. Comments to the docket and internal FHWA coordination resulted in the changes reflected in the final rule. The significant changes and comments are discussed in the following paragraphs.

Some comments indicated that defining "major change" (proposed § 511.3) as any cost modification of more than 15 percent annually would be too burdensome for participants in small studies. Accordingly, the definition of "major change" has been narrowed to include only annual cost modifications that are both $10,000 greater and 15

percent greater than the initial estimated cost.

Another response recommended that the Type B (small-scale) study category in proposed § 511.3(h) be expanded to include studies with costs up to $75,000 rather than $50,000. This recommendation was adopted in the final rule, thus increasing the number of studies that qualify for reduced burdens.

Finally, a comment noted that proposed § 511.11(c), regarding budget items such as "Administration" and "Implementation," does not establish what level of cost increase in those items requires FHWA approval. The final rule provides in this regard that cost increases of more than 15 percent for these types of budget items shall be submitted to FHWA for approval.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. Under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Harry H. Hersey of the program office at the address specified above.

Because this amendment relieves a regulatory burden, the FHWA finds good cause to make this amendment effective in less than 30 days under DOT regulatory procedures. A delay in effective date is not required under the Administrative Procedure Act because the matters affected relate to grants, benefits, or contracts pursuant to 5 U.S.C. 553(a)(2). Accordingly, this amendment is effective upon publication.

SUMMARY OF REVISIONS

Former designation	Present designation
Purpose and policy: Part 520	§§ 511.1 and 511.4.
Definitions: Throughout R&D Parts	§ 511.3.
Equipment and patents: Part 522	§ 511.7.
R&D management option: Part 524	§ 511.10.
Work program and changes: Part 530	§ 511.5.
Study proposals and changes: Part 540	§ 511.6.
R&D studies—changes and terminations: Part 542	§§ 511.5 and 511.6.
R&D reports: Part 544	§ 511.8.
Criteria for cooperatively funded studies: Part 560	§ 511.9.

PARTS 511, 520, 522, 524, 530, 542, 544 and 560 [Removed]

Accordingly, Chapter I, Subchapter F of Title 23, Code of Federal Regulations is revised by removing all of its current parts (520, 522, 524, 530, 540, 542, 544, and 560) and by substituting a new Part 511 to read as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted program and projects apply to this program)

Issued on: November 24, 1981.

R. A. Barnhart,

Federal Highway Administrator.

SUBCHAPTER F—RESEARCH AND DEVELOPMENT

PART 511—RESEARCH AND DEVELOPMENT (R&D) STUDIES AND PROGRAMS; GENERAL

Sec.

511.1 Purpose.
511.2 [Reserved]
511.3 Definitions.
511.4 Policy.
511.5 R&D work program and changes.
511.6 Study proposals and changes.
511.7 Equipment and patents.
511.8 R&D reports.
511.9 Criteria for cooperatively funded studies.
511.10 R&D management option.

Authority: 23 U.S.C. 307(c), 315; 49 CFR 1.48(b).

§ 511.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for R&D federally funded studies and programs.

§ 511.2 [Reserved]

§ 511.3 Definitions.

(a) *"Budget item"*—A short descriptive title in the budget tabulation with its associated budget estimate.

(b) *"Final report"*—A report documenting a completed study.

(c) *"Highway Research Information Service (HRIS)"*—A computerized storage and retrieval system for two types of information:

(1) Resumes of ongoing R&D studies, and

(2) Abstracts of R&D reports and articles.

(d) *"Implementation"*—The translation and followup of research results to provide the basis for adopting the innovations into practice.

(e) *"Major change"*—A change, including termination, in a study's objective, scope, work plan, or principal investigator, which significantly alters the course or expected results of the study. Any change which increases the initial estimated annual cost by more than $10,000 and 15% shall be considered a major change.

(f) *"Minor change"*—Any other change in the study.

(g) *"National Cooperative Highway Research Program (NCHRP)"*—A pooled fund program directed toward problems of national significance sponsored by the State highway agencies (SHA's) and FHWA, and administered by the Transportation Research Board, National Academy of Sciences.

(h) *"Nonexpendable equipment"*—Equipment having a useful life of more than 1 year and an acquisition cost of more than $300 per unit.

(i) *"Pooled funding"*—The cooperative funding of a study or program by two or more SHA's.

(j) *"Proposal"*—An outline of specific research or development to be conducted which includes such items as description of the objectives, work plan, cost estimate, and time schedule.

(k) *"R&D Work Program"*—An annual or biennial listing of proposed work and estimated cost.

(l) *"Type B Study"*—A small-scale study which does not exceed $75,000 or require more than 2 years to complete (this time limit may be extended for reasonable delays not to exceed 1 year or for experimental construction studies) and is one of the following types: (1) Short-term study related to local or regional problems; (2) exploratory, survey, or feasibility study; (3) experimental construction study (see Federal-Aid Highway Program Manual, Volume 6, Chapter 4, Section 2, Subsection 4 (FHPM 6-4-2-4). Construction Projects Incorporating Experimental and/or Evaluation Features);[1] or (4) implementation effort.

(m) *"Type A Study"*—A study which addresses regional or national problems or exceeds the limitations of a Type B study defined above.

§ 511.4 Policy.

(a) *R&D Programs*—Each SHA is encouraged to maintain a viable research and development program, adequately funded, to address their most urgent short- and long-range problems. To promote effective utilization of available resources, SHA's are encouraged to cooperate with FHWA and other SHA's to achieve R&D objectives established at the national level. An SHA R&D program is primarily a problem-solving service to the practicing engineers and other users. It can best be justified as a continuing activity when it is demonstrated that

[1] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

R&D results and end-products are used and pay dividends to the highway program as a whole.

(b) *Technology Transfer*—In order to benefit from the results of research and development, each SHA is encouraged to develop an active technology transfer program to promote the use of those results.

(c) *R&D Reports*—All studies shall be completely documented in a timely manner. When the work is not normally expected to result in a final report, this provision will not apply.

(d) *Cooperatively Funded Studies & Programs*—When widespread national or regional interest is shown in the solution of a significant problem, FHWA encourages arrangements by which an R&D study may be cooperatively sponsored by two or more SHA's. The study may be administered by a lead SHA under its own procedures, by NCHRP, or by the FHWA Washington Headquarters under the Federal Procurement Regulations (41 CFR).

(e) *Civil Rights*—The implementation of these program activities shall be in accordance with the policy of the Federal Highway Administration to ensure compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and Related Statutes and Regulations, as stated in 23 CFR Part 200.

§ 511.5 R&D work program and changes.

(a) An SHA desiring Federal aid for R&D work must prepare an R&D work program and submit it to FHWA for approval. It shall cover each approved Type A and Type B study until either the study's draft final report has been accepted by FHWA as fulfilling the technical requirements, or the study has been terminated. It shall include the following information in tabular form for each budget item.

(1) State study number.

(2) Study type (A or B).

(3) Study title.

(4) Budget estimate for program year.

(5) Estimated cost for previous year for continuing studies.

(b) Individual budget items for "Administration," "Research Correlation Service," "Implementation," and "Contingencies" may be included as needed in each SHA R&D work program, in addition to the budget items for Type A and Type B studies, and a listing of proposed studies. Cost increases of more than 15% in the non-study items shall be submitted to FHWA for approval.

§ 511.6 Study proposals and changes.

(a) An SHA desiring Federal aid initiates a request for a Type A or Type B study by submitting the study proposal to the Federal Highway Administration (FHWA) for approval except as provided in § 511.10, *R&D management option.* A research study proposal shall establish the necessity for a research undertaking, clearly define the objective, provide a detailed work plan for achieving the objective, and indicate how the research findings are expected to be used. An HRIS or other literature search shall be made for Type A studies to minimize duplication of work. Such a search is encouraged for Type B studies.

(b) *Major Changes*—Major changes in the objective, scope, work plan, principal investigator, or cost shall be fully documented and for Type A studies shall be submitted to FHWA for prior approval. An SHA may make major changes in Type B studies without prior FHWA approval.

(c) *Minor Changes*—Minor cost changes may be made by the SHA without FHWA approval except for the purchase of nonexpendable equipment costing over $1,000. FHWA shall be promptly informed of all actions taken by the SHA.

§ 511.7 Equipment and patents.

(a) Nonexpendable equipment for an R&D study shall be purchased and managed in such a manner that only those equipment costs reasonably attributable to the study are charged to that study. Nonexpendable equipment purchased with Federal-aid funds shall be properly disposed of at the completion of the study and the residual value credited to the study. The SHA shall obtain prior FHWA approval on all equipment purchased, rented, or disposed or which exceeds $1,000. This approval may be requested as a part of the proposal submission, or as a separate submission.

(b) Each SHA shall maintain an inventory record for each piece of nonexpendable equipment purchased or built under the Federal-aid R&D program including equipment acquired by a contractor. Property records shall include:

(1) A description of the property including the manufacturer's serial number, model number, or other identification number.

(2) Source of the property including the study number or title.

(3) Acquisition date and unit acquisition cost.

(4) Location, use and condition of the property and the date the information was reported.

(5) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value.

(c) When nonexpendable property is acquired with Federal-aid funds, the title shall rest with the SHA.

(d) If an R&D study is expected to produce patents, patent rights processes or inventions, the SHA shall insert one of the clauses for domestic contracts set forth in 41 CFR 1–9.1, Patents, or a substitute approved by FHWA, to assure the preservation of the public's rights in inventories resulting from these studies. The SHA shall promptly report to FHWA the fact of any invention or discovery which occurs in the course of the study and shall consult with FHWA regarding the disposition of the matter.

§ 511.8 R&D reports.

(a) *Progress Reports*—For all studies in an approved work program, progress reports shall be submitted to FHWA as specified in FHWA's approval of the study. A minimum of two progress reports shall be submitted each year. These reports shall contain sufficient information to evaluate the progress and possible future course of study.

(b) *Interim Reports*—These reports shall be submitted to FHWA for review and acceptance prior to publication. They shall be submitted when major phases of a study are completed as stipulated in the approved work plan, or when significant scientific breakthroughs are realized.

(c) *Final Reports*—A final report shall completely document all data gathered, analyses performed, and the results achieved. For a study where a number of interim reports have been published, a summary final report is satisfactory, provided adequate detailed documentation of the work completed has been published previously. The SHA's shall determine if a study produced implementable results. If so, the study report shall recommend procedures for implementation, and indicate expected benefits. The final report shall be sent to FHWA for review and acceptance prior to publication.

(d) The author shall be free to copyright material developed under the contract with the provision that the SHA and FHWA reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, the work for Government purposes.

(e) Reports of nonprofitmaking organizations may be published if FHWA fails to complete its review within 4 months from submission. Reports of nonprofitmaking organizations may be published even though the FHWA does not concur with the findings and conclusions in the report, provided FHWA has the right to

include technical comments in the report in a clearly identified section such as "sponsors comments."

(f) Adherence to the DOT document "Standards for the Preparation and Publication of DOT Scientific and Technical Reports" is encouraged in the preparation of all R&D interim and final reports.

(g) An SHA shall include in each report a credit reference to FHWA such as, "prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration."

(h) An SHA shall include in each report a disclaimer statement equivalent to the following:

The contents of this report reflect the views of the author(s) who is (are) responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the (SHA or the) Federal Highway Administration at the time of publication. This report does not constitute a standard specification, or regulation.

§ 511.9 Criteria for cooperatively funded studies.

(a) The following criteria are used by FHWA for determining when Federal-aid funds used for R&D studies and programs without State matching would best serve the interest of the Federal-aid highway program:

(1) The proposed study or program addresses a national or regional problem of high priority, and the results are expected to be immediately implementable.

(2) The study proposal satisfies the requirements in § 511.6(a) of this regulation.

(b) The National Cooperative Highway Research Program (NCHRP) satisfies the criteria set forth in § 511.9(a), and Federal-aid funds without State matching may be used in this program.

§ 511.10 R&D management option

(a) Any SHA operating under the R&D management option may initiate new Type B studies without prior FHWA approval except those which require FHWA approval of the proposed work in accordance with 23 CFR Part 172, Administration of Negotiated Contracts. The FHWA shall be fully informed of all such actions by transmittal of the initiating documents to FHWA.

(b) If an SHA desires to manage its Federal-aid R&D program under this option, the SHA shall submit a request to FHWA for approval. FHWA will review the SHA's request and will determine if the SHA is capable of accomplishing the legislative objectives of the Federal-aid R&D Program (23 U.S.C. 307(c)) without FHWA review and approval of Type B studies. The FHWA review will be based on the following criteria:

(1) The SHA has established internal reporting and review procedures to accomplish the legislative objectives of 23 U.S.C. 307(c).

(2) The SHA has documented its current internal operating procedures which include the requirements of 23 CFR Subchapter F.

(3) The SHA has designated R&D manager to direct and control the Federal-aid program.

(c) If the SHA's request satisfies the criteria, its request to operate under the R&D management option shall be approved by FHWA. If the SHA's R&D management is in substantial (but not complete) agreement with the criteria, the SHA's request may be approved on a provisional basis.

[FR Doc. 81-34700 Filed 12-4-81; 8:45 am]
BILLING CODE 4910-22-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 1985-1]

Approval and Promulgation of State Implementation Plans; Colorado

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this notice is to announce EPA's approval of Colorado's amended regulations limiting sulfur dioxide emissions from certain oil shale production facilities. EPA proposed to approve those regulations on July 27, 1981 and requested public comments. No comments were received. These revisions were submitted by the State of Colorado for inclusion in the State plan.

DATE: This action is effective January 6, 1982.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, 1110 L Street, N.W., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Eliot Cooper, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-6131.

SUPPLEMENTARY INFORMATION: On March 23, 1981, following several public hearings, the Governor of Colorado submitted to EPA amended regulations limiting sulfur dioxide emissions from oil shale production facilities which employ combined modified in-situ retorting and above ground retorting. On July 27, 1981, (46 FR 38381), EPA published the text of the amended regulations (Regulation No. 1—"Emission Control Regulations for Particulates, Smoke and Sulfur Oxides for the State of Colorado," Section III.B.4f; and Regulation No. 6—"Standards of Performance for New Stationary Sources," Section VI.C.3) and proposed to approve the revisions. Public comments were requested on EPA's proposed action until August 26, 1981. No public comments were received. Consequently, EPA is now approving the revised regulations. However, if a new source performance standard is promulgated for oil shale production facilities, EPA may have to reconsider the State's regulations. Finally, since EPA currently has responsibility for Prevention of Significant Deterioration in Colorado and will be determining Best Available Control Technology (BACT) for oil shale facilities on a case-by-case basis, the revised State regulations will not be binding on EPA in its BACT determination for specific sources, although the agency will of course work closely with the state in making these determinations.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged

later in civil or criminal proceedings brought by EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it imposes no new requirements. It only approves requirements adopted by the State.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Note.—Incorporation by reference of the State Implementation Plan for the State of Colorado was approved by the Director of the Federal Register on July 1, 1981.

Dated: November 20, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLAN

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

1. In § 52.320, paragraph (c)(26) is added as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(26) On March 23, 1981, the Governor submitted revised regulations limiting sulfur dioxide emissions from certain oil shale production facilities.

[FR Doc. 81-35009 Filed 12-4-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 260

[SWH-FRL-1997-5]

Hazardous Waste Management System Implementation, Summary of Rulemaking Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Public notice of rulemaking petitions filed with EPA concerning the Resource Conservation and Recovery Act.

SUMMARY: This notice sets forth a summary of all petitions received in response to the regulations implementing the hazardous waste management system established by the Resource Conservation and Recovery Act (RCRA). Petitions cover both requests to make general changes to the regulations and specific requests to exclude, on a site-specific basis, wastes from regulation as hazardous. This notice provides a summary of all petitions received by the Agency as of October 31, 1981; it will be updated on a regular basis. The notice informs of the receipt and purpose of each petition and thereby allows interested parties to comment or respond on appropriate petitions.

FOR FURTHER INFORMATION CONTACT: Matt Strauss, (202) 755-9187. For information on any of these petitions, the reader should contact the RCRA Hotline at (800) 424-9346 or (202) 554-1404.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA promulgated the first phase of regulations implementing the hazardous waste management system established by Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended ("RCRA") by publishing 40 CFR Parts 260 to 265 and 122 to 124. Among other things, these regulations set forth informal rulemaking procedures whereby persons may (1) petition the Administrator to modify or revoke any provision in 40 CFR Parts 260 through 265 (see § 260.20); (2) petition the Administrator to add new testing or analytical methods to Parts 261, 264 or 265 if the person demonstrates that the proposed method is equal to or superior to the corresponding method prescribed in Parts 261, 264 or 265 (see § 260.21); or (3) petition the Administrator to obtain, on a site-specific basis, an exclusion of his listed waste from regulation as hazardous (see § 260.22).

Some commenters have indicated that they are prejudiced because the Agency does not publish any notice of receipt of a RCRA rulemaking petition (although the petitions are immediately available in the public docket). EPA agrees that publication in the **Federal Register** noticing receipt of petitions could better serve the legitimate interests of potential commenters and of the Agency. Accordingly, we will begin to publish in the **Federal Register** approximately monthly a list of all petitions filed with the Agency during the previous month. This present notice is the first to be published in the **Federal Register** and contains all rulemkaing petitions filed as of October 31, 1981 under either §§ 260.20, 260.21 or 260.22, and a brief summary of the substance of the petition.

PETITIONS FILED UNDER 40 CFR 260.20 AND 40 CFR 260.21 [1] (GENERAL RULEMAKING AND PETITIONS FOR EQUIVALENT TESTING OR ANALYTICAL METHODS

Log No.	Company	Address	Brief summary of petition
R001	Celanese Plastics & Specialities Co	1065 West Hill Street, Louisville, KY 40208	a. Requests same 90 day time limit for transportation or storing prior to use, reuse, recycle or reclamation as generators prior to needing a storage permit. b. Request that Agency allow the landfilling of nonpumpable, barrelled, volatile and reactive wastes.
R002	Dept. of the Army	Office of the Deputy Chief of Staff, Engineer Headquarters, U.S. Army Training & Doctrine Command, Fort Monroe, VA 22180.	Requests amendment to permit the disposal of small quantities of acutely toxic drugs in trash without a permit.
R003	J. Shockor	P.O. Box 67, Woodstock, VT 95091	Requests that precious metal electroplating wastes be excluded from F006.
R004	Chemical Products Co	P.O. Box 449, Carterville, GA 30120	Requests removal of P107 (Strontium sulfide) from Appendix VIII and § 261.33(e).
R005	National Paint & Coatings Assn	1500 Rhode Island Avenue, N.W., Washington, D.C. 20005.	Requests modification of the ignitability characteristic to encompass sustained burning rather than flash point. Also expand exemption to include low concentrations of other water soluble organic solvents.
R006	Ralston Purina Co	Checkerboard Square, St. Louis, MO 63188	Requests removal of products containing fampur, methamyl, warfarin and dimethoate from § 261.33(e).
R007	National Pest Control Assn	Suite 1100, 8150 Leesburg Pike, Vienna, VA 22180.	Requests removal of rat bait products from § 261.33(e).
R008	National Food Proces. Assn	1133 Twentieth Street N.W., Washington, D.C. 20036.	Requests exemption of caustic (pH > 12.5) rinse water and solid peel removal waste generated from the food processing industry from the hazardous waste rules.
R009	American Iron & Steel Institute	1000 16th Street, NW., Washington, DC 20036	Request industry-wide exclusion for lime treated spent pickle liquor sludge from the hazardous waste rules.
R010	Sterling Drug Co	90 Park Avenue, New York, NY 10016	Request removal of warfarin containing rat baits from § 261.33(e).
R011	National Pest Control Assn	Suite 1100, 8150 Leesburg Pike, Vienna, VA 22180.	Requests removal of zinc phosphide containing pesticides from § 261.33(e).

I. Petitions Filed Under 40 CFR 260.20 and 40 CFR 260.21 [1] (General Rulemaking and Petitions for Equivalent Testing or Analytical Methods)—(Continued)

Log No.	Company	Address	Brief summary of petition
R012	P. J. Higgins	26140 Mutlinix Mill Rd., Mt. Airy, MD 21771	Requests for extention of comment period for gray iron foundary report.
R013	Diamond Shamrock	351 Phelps Court, Irving, TX 75061	Requests for amendment to § 261.24 to allow use of a neutral water extraction when testing wastes disposed of in neutral or alkaline environments.
R014	Dept. of the Interior	Office of the Secretary, Washington, DC 20240	Requests that the Agency: a. expand the household exemption to include household type wastes generated at federally owned facilities; b. revise the certification statement for Federally-owned-contractor-operated (FOCO) hazardous waste management facilities; c. allow for the disignation of signature responsibility within a government agency.
R015	American Cast Iron Pipe Co	P.O. Box 2727, Birmingham, AL 35202	Requests an exemption to § 261.24 to use neutral water instead of acidic extractant.
R016	General Motors Corp	Danville Plant, Danville, IL 61832	Requests an exemption to § 261.24 to use neutral water instead of acidic extractant for their foundry sludge.
R017	Dept. of Argiculture	P.O. Box 2417, Washington, DC 20013	Requests inclusion of household type activities at federal facilities within household exemption.
R018	American Retail Federation	1616 H Street, N.W., Washington, D.C. 20006	Requests an exemption for consumer household products disposed of by retail stores.
R019	E.I. duPont deNemours and Co., Inc	Louviers Works, Louviers, CO Pompton Lake Works, Pompton Lakes, NJ	Requests amendment to § 265.382 to permit burning 600 pound lots of explosives within 743 feet from the property line.
R020	Triangle Resource Industries	3527 Whiskey Bottom Rd., P.O. Box 599, Laurel, MD 20810.	Requests relief from requirement to obtain a permit for adding liquid waste to drummed adsorbant, to comply with ban on landfill disposal of containerized liquid waste.
R021	Findly Chemical Disposal, Inc	9680 Primrose Drive, Riverside, CA 92503	Requests relief to allow generator to: 1. landfill lab packs. 2. store lab wastes six months without a permit. 3. amend listing to simplify reporting for laboratory chemicals.

[1] A petition has also been submitted by the National Solid Waste Management Association (NSWMA) which requested that the Agency impose recordkeeping, labelling and manifest requirements for small quantity generators. A notice, summarizing this rulemaking petition and requesting comments was published in the Federal Register on October 15, 1980 (45 FR 68409).

II. Petitions Filed Under 40 CFR 260.22 (Petitions To Amend Part 261 To Exclude a Waste Produced at a Particular Facility)

Log No.	Company	Address	Waste listings to be excluded
0001	Fred A. Snow Co	1942 West Kinzie, Chicago, IL 60622	F010.
0002	Bio-Lab Inc	Plant #2, 1700 Old Covington Hwy., Conyers, GA 30207.	Petitioned to exclude non-listed waste.
		Plant #4, 1735 Dogwood Drive, Conyers, GA 30207	Petitioned to exclude non-listed waste.
0003	Firestone Wire and Cable Company	Highway 127 Bypass, P.O. Box 908, Danville, KY 40422.	F006.
0004	Massillon Steel Casting Company	577 Oberlin Avenue, SW., Massillon, OH 44646	K061.
0005	Fosbrink Machine Company, Inc	Ridge Blvd., P.O. Box 645, Connellsville, PA 15425	K063.
0006	Compo Industries, Inc	125 Roberts Road, Waltham, MA 02154	F017, F018.
0007	Stablex Corp	Groveland, Township, Oakland County, MI	K002, K003, K004, K005, K006, K007, K008, K050, K052, K053, K054, K055, K056, K057, K058, K059, F013, F014, F015, F016, F006, F007, F008, F009, F010, F011, F012, K021, K060, P010, P011, P012, P013, P029, P030, P032, P055, P098, P099, P104, P106, P107, P120, P121, U013.
0008	Tektronix, Inc	P.O. Box 500, Beaverton, OR 97077	F006.
0009	Gunnison Brothers, Inc	Box 166, Girard, PA 16417	K059.
0010	The Timken Co., Canton Bearing Div	General Offices, Canton, OH 44706	F010.
0011	Maynard Steel Casting Company	2856 South 27th Street, Milwaukee, WI 53215	K061.
0012	General Electric Company	Conneaut Base Plant, Rieg and Maple Aves., P.O. Box 667, Conneaut, OH 44030.	F006.
0013	Babcock and Wilcox Company	91 Stirling Avenue, Barberton, OH 44203	K091.
0014	Johnson Steel and Wire Company, Inc	53 Wizer Avenue, Box 247, Worcester, MA 01613	K063
0015	Emerson Electric Co., Browning Manufacturing Division.	P.O. Box 667, Maysville, KY 41056	F017, F018.
0016	Macalloy Corporation	P.O. Box 130, Charleston, S.C. 29402	K091.
0017	Systech Liquid Treatment Corporation	4350 Edgewyn Avenue, Hillard, OH	F006, K062.
0018	Systech Liquid Treatment Corporation	3030 Wood Street, Muskegon Heights, MI	F006, K062.
0019	Systech Liquid Treatment Corporation	1640 Antioch Pike, Nashville, TN	F006, K062.
0020	Monroe Auto Equipment Company	Highway 49 North, Paragould, AR 72450	F006
0021	Valley Industries	Eastern Plant, McDaniel Road, Shelbyville, KY 40065	F017
0022	John Deere, Des Moines Works	Hwy. #415 N., Ankeny, IA 50021	F006, F018
0023	RAD Services	2606 Pioneer Drive, Bowling Green, KY 42101	K061 (treatment residue)
0024	Dresser Industries, Inc	Austin Springs Road, Johnson City, TN 37601	K063
0025	Sawbrook Steel Castings Company	Shepard and McWhorter Streets, Lockland, OH 45215.	K061.
0026	Saw-Tek Steel Castings Company	Second and Vine Streets, Hamilton, OH 45011	K061.
0027	Bekaert Steel Wire Corporation	P.O. Drawer G, Hwy. 411 Old Furnace Road, Darlington Drive, Rome, GA 30161.	F006, F007, F008, F009, K063.
0028	Florida Wire and Cable Company	625 North Land Avenue, P.O. Box 6835, Jacksonville, FL 32205.	K063.
0029	Firestone Steel Products Company	P.O. Box 5587, Spartanburg, SC 29304	K063.
0030	Cudahy Tanning Company	5043 S. Packard Avenue, Cudahy, WI 55110	K056.
0032	Intex Plastics, Corinth Division	P.O. Box 948, Golding Drive, Corinth, MS 38834	F003, F005.
0033	Woodstock Die Casting	555 Wheeler Street, Woodstock, IL 60098	F006.
0034	Norris Industries, Winamac Division	P.O. Box 1728, 1901 Commerce Drive, Fayetteville, AR 72701.	F010.
0035	Virginia Chemicals, Inc	3340 West Norfolk Road, Portsmouth, VA 23703	F003.
0036	Eli Lilly and Company, Inc	Mayaguez Puerto Rico Facility, P.O. Box 1748, Mayaguez, Puerto Rico 00708.	F003, F005.
0037	Farrell-Check Steel Company	706 Lane Street, Sandusky, OH 44870	K061.

II. PETITIONS FILED UNDER 40 CFR 260.22 (PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY)—Continued

Log No.	Company	Address	Waste listings to be excluded
0038	Eli Lilly Industries, Inc	Carolina Puerto Rico Facility, GPO 71325, San Juan, Puerto Rico.	F003, F005.
0039	William L. Bonnell Company	25 Bonnell Street, Newnan, GA 30263	F019.
0040	William L. Bonnell Company	P.O. Box 279, Carthage, TN 37030	F019.
0041	Capitol Products Corporation	P.O. Box 3070, Harrisburg, PA 17105	F019.
0042	Capitol Products Corporation	P.O. Box 146, Kentland, IN 47951	F019.
0043	Western Electric Co	100 Central Avenue, Kearny, NJ 07032	F006.
0044	Wiremill, Inc	825 North Lane Ave., P.O. Box 6835, Jacksonville, FL 32205.	K063.
0045	Michelin Tire Corporation	P.O. Box 308, Highway 76, Sandy Springs, SC 29677	F006.
0046	O. M. Scott and Sons	Marysville, OH 43040	2,4-D bags.
0047	Eli Lilly and Co., Tippecanoe Labs	P.O. Box 685, Lilly Road, Lafayette, IN 47902	F002, F003, F005.
0048	American Recovery Company	1901 Birch Street, Baltimore, MD 21226	K063.
0049	Douglas and Lomason Company	Alabama Street, Carrollton, GA 30117	F006.
	Douglas and Lomason Company	Highway 61 North, Cleveland, MS 38732	F006.
0050	Reynolds Aluminum (Can Division):		
	(1) Equipment Implementation Center	1601 Sherwood Ave., Richmond, VA 23220	F019.
	(2) Hawaii Can Plant	91-320 Komohana Street, Ewa Beach, HI 96706	F019.
	(3) Houston Can Plant	10000 North Loop East, Houston, TX 77029	F019.
	(4) Kansas City Can Plant	1600 Reynolds Avenue, Executive Park, Kansas City, MO 64120.	F019.
	(5) Latas De Aluminio, Reynolds, Inc	Road 3, Barrio Machete, Guayama, Puerto Rico	F019.
	(6) Macauley Can Plant	433 Blair Road, Woodbridge, NJ 07001	F019.
	(7) Salisbury Can Plant	Route 7, Box 270, Peeler Road, Salisbury, NC 28144	F019.
	(8) San Francisco Can Plant	2425 Whipple Road, Hayward, CA 94540	F019.
	(9) Seattle Can Plant	27402 72nd Avenue, South, Kent, WA 98301	F019.
	(10) Tampa Can Plant	10420 Malcolm Mckinley, Box 17628, Tampa, FL 33682.	F019.
	(11) Torrance Can Plant	500 Crenshaw Blvd., Torrance, CA 90509	F019.
	(12) Wallkill Can Plant	RR #2, Ballard Road, Middletown, NY 10940	F019.
0051	The Maytag Company	Waste and Water Treatment Plant, Plant 2, Newton, IA 50208.	F006, K063, F018.
0052	True Temper Railway Appliances, Inc	Kansas City, Missouri, Plant, Kansas City, MO	F010.
0053	Talon Division of Textron	1277 S. Main Street, Meadville, PA 16335	F006, F008, F009.
0054	Whirlpool Corporation	1300 Marion Agosta Road, Marion, OH 43302	F006.
0055	Armco, Inc	Butler Works, Butler, PA 16001	K063.
0056	Cerro Wire and Cable Company	Robbins Lane and Miller Place, Syosset, NY 11791	F006.
0057	Dyes Environmental and Toxicology Organization	1075 Central Park Ave., Scarsdale, NY 10583	Chromium bearing waste.
0058	Bennett Industries	515 First Street, Peotone, IL 60468	F017.
0059	Chem-Met Services	18550 Allen Road, Wyandotte, MI 48192	F006, K063, F003.
0060	AlChem-Tron, Inc	2516 Train Avenue, Cleveland, OH 44113	F006, K063.
0061	Harvey Hubbell, Inc., Lighting Division	2000 Electric Way, Christiansburg, VA 24073	F006, F017.
0062	Production Plating Co., Inc	N. Mill Street, Adel, GA 31620	F006.
0063	The Keystone Group	Crawfordsville Plant, 510 South Oak Street, Crawfordsville, IN 47933.	K063.
0064	Western Electric	2525 North 11th Street, Reading, PA 19603	F006.
0065	The Mearl Corp	1057 Lower South Street, Peekskill, NJ 10566	K006.
0066	Amana Refrigeration, Inc	Middle Amana, IA 52307	F017, F018.
0067	Raybestos-Manhattan, Inc	75 East Main Street, Stratford, CT 06497	K063, K062.
0068	The Carborundum Co	Monofrax Plant, 501 New York Avenue, Falconer, NY 14733.	Refractory chromium bearing waste.
0069	Miller Brewing Comp.:		
	(1) Moultrie Container Plant	P.O. Box 1299, Moultrie, GA 31768	F019.
	(2) Fort Worth Container Plant	P.O. Box 40438, 6600 Will Rodgers Blvd., Fort Worth, TX 76140.	F019.
	(3) Fulton Container Plant	P.O. Box 400, Fulton, NY 13069	F019.
	(4) Reidsville Container Plant	1900 Barnes Street, P.O. Box 1170, Reidsville, NC 27320.	F019.
0070	The Mearl Corp	1057 Lower South Street, Peekskill, NY 10566	K007.
0071	Lone Star Steel Co., EB Germany Works	Highway 259 South, Lone Star, TX 75668	F016.
0072	Roper Outdoor Products, Roper, Inc	Williamsburg, KY	F017.
0073	FMC Corporation, Cable Crane and Excavator Division.	Box 9500, Bowling Green, KY 42101	F017.
0074	Gould, Inc., Electrical Apparatus Division	Hwy 221 & Old Georgia Rd., P.O. Box 1612, Spartanburg, SC 29304.	F006.
0075	Ohio Steel Tube Co	140 West Main Street, Shelby, OH 44875	K063.
0076	Dexion, Inc	Temple Hill Rd., R.D. 2, Newburgh, NY 12550	F017.
0078	General Battery Corp	Spring Valley Road and Nolan Street, Reading, PA 19603.	K069
0079	ESB, Inc., Exide Industrial Battery Divsion	P.O. Box 1500, Richmond, KY 40475	Petitioned to exclude non-listed waste.
0080	Gulf and Western	5577 Taylor Drive, Memphis, TN 38127	K063.
0081	Gulf and Western	5577 Taylor Drive, Memphis, TN 38127	F018.
0084	Owens-Illinois, Inc., Printing Products Facility	25675 U.S. Route 25, Perrysburg, OH 43551	K086.
0085	Armco, Inc	Wildwood Plant, Wildwood, FL 32785	K063.
0086	Crucible, Inc., Stainless Steel and Alloys Division	P.O. Box 226, Midland, PA 15059	K063.
0087	Fafnir Bearings, Division of Textron, Inc	37 Booth Street, New Britain, CT 06050	F010.
0088	Environmental Waste Removal, Inc	130 Freight Street, Waterbury, CT 06702	Stabilized residue from electroplating wastes.
0089	Triangle PWC, Inc	1701 Wheeling Avenue, Glen Dale, WV 26038	K063.
0090	Stiglitz Corp., Inc	1747 Mellwood Avenue, Louisville, KY 40206	F017.
0093	Crossman Air Guns, Incorporated	980 Turk Hill Road, Fairport, NY 14450	F006, K062.
0094	Allegheny Ludlum Steel Corp	West Leechburg Plant, West Leechburg, PA	K063.
0095	Whirlpool Corp	6400 Jenny Lind, Fort Smith, AR 72903	F006.
0096	Delta Airlines, Inc	Maintenance Facility, Atlanta Airport, Atlanta, GA 30320.	F006, F007, F008, F009, F010, F012.
0097	Allegheny Ludlum Steel Corp	New Castle, Indiana, Plant, New Castle, IN	K063.
0099	Keystone Group	Bartonville Plant, 7000 South Adams Street, Peoria, IL 61641.	K062, K063.
0100	Darling Store Fixtures	P.O. Box 970, Paragould, AR 72450	F006, F007, F008, F009.
		Wolten Lane, Corning, AR 72422	F006, F007, F008, F009.
0101	Hamblet and Hayes	Colonial Road, Salem, MA 01970	Chromium bearing product and waste.

II. PETITIONS FILED UNDER 40 CFR 260.22 (PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY)—Continued

Log No.	Company	Address	Waste listings to be excluded
0102	Sandoz Color & Chemicals	E. Hanover, NJ 07936	Waste from the production of chromium dyes.
0103	Whirlpool Corp	Lebanon Road, Danville, KY 40422	F006.
0104	Peabody ABC Corp	P.O. Box 77, Warsaw, IN 46580	F002, F003.
0105	National Steel Corp., Great Lakes Steel Div	Ecorse, Detroit, MI 48229	K063.
0106	Jones & Laughlin Steel	1500 W. Main Street, P.O. Box 20, Louisville, OH 44641.	K063.
0107	Chamberlain Manufacturing Corporation, Albia Division.	210 North "A" Street, Albia, IA 52531	F019.
0108	Allegheny Ludlum Steel Corporation	Wallingford, Connecticut, Plant, Wallingford, CT	K063.
0109	HPM Corporation	820 Marion Road, Mt. Gilead, OH 43338	Chromium bearing waste.
0110	Allegheny Ludlum Steel Corporation	Brackenridge Plant, Brackenridge, PA 15014	K063.
0111	United Technologies Corp., Pratt and Whitney Aircraft Group, Gov't Products Div.	Beeline Hwy./State Road 710, West Palm Beach, FL 33402.	F006, F007, F008, F009, P029, P030, P098, P099, P106.
0112	Allied Chemical Corp	Moundsville Works, P.O. Box E, Moundsville, WV 26041.	K027.
0113	Metropolitan Wire Corporation	Wilkes-Barre, PA 18705	F006.
0114	Mansfield Products Company	246 East Fourth Street, Mansfield, OH 44902	F006
0115	The Timken Company	Gambrinus Road Plant, 1835 Dueber Avenue, S.W., Canton, OH 44706.	K063.
0116	Jones & Laughlin Steel Company	Indiana Harbor Works, East Chicago, IN	F006.
0117	Trent Tube Division/Crucible, Inc	2188 Church Street, East Troy, WI	K062, K063.
		Carrollton, GA	K062, K063.
0118	General Electric Co	1501 S. 19th Street, Matoon, IL 61938	K062, K063.
0119	PRI-Hawaiian Independent Refinery	91-325 Komohana Street, Ewa Beach, HI 96706	K050, K051.
0120	Copperweld Steel Co	4000 Mahoning Avenue, NW., Warren, OH 44482	K063.
0121	Tremco, Inc	10701 Shaker Blvd., Cleveland, OH 44104	Petitioned to exclude non-listed waste.
0122	Bentley Nevada Corp	1 Airport Road, Minden, NE	Chromium bearing waste.
0123	Total Petroleum, Inc	P.O. Box 188; Ardmore, OK 73401	K050, K051.
0124	Hallmack Division, Scovill, Inc	P.O. Box 328, U.S. Highway 127, Harrodsburg, KY 40330.	F006.
0125	Chem-Clear, Inc	2900 Broadway, Cleveland, OH 44115	F006, F007, F008, K062 U188.
0126	Westinghouse Electric Co	Box 9533, Raleigh, NC 27603	F006.
0127	Babcock & Wilcox	P.O. Box 401, Beaver Falls, PA 15010	K061
0128	Whirlpool Corporation	4901 N. Main Street, Findlay, OH 45840	F006
0129	Western Electric	Richmond Works, 4500 South Laburnam Ave., Richmond, VA 23231.	F006.
0130	Lederle Laboratories, Division of American Cyanamid Co.	Middletown Road, Pearl River, NY 10965	F003, F005.
0131	Amoco Oil Company	Wood River, IL	K050, K051.
0132	Peerless Chain Co	1416 East Sarboren St., Winona, MN 55987	K063.
0133	International Minerals & Chemical Division	1331 S. First Street; Terra Haute, IN 47808	F003.
0134	Empire-Detroit Steel, Division/Cyclops Corp	137 Iron Avenue, Dover, OH 44662	K063.
0135	Vulcan Materials Corp	P.O. Box 161, Port Edwards, WI 54469	K071.
0136	Stablex Corporation	Hooksett, New Hampshire	Stabilized treatment residents.
0137	National Cooperative Refinery Association	P.O. Box 1167, McPherson, KS 67460	K051.
0138	Texaco U.S.A	Eagle Point Plant, Junction Rt. 130 and I 295, West Deptford, NJ.	Biological treatment sludge from treatment of wastes F001, F002, F003, F005, F051, U019, U044, U055, U220.
0139	Resource Recycling Technologies/Industrial Liquids Recycling, Inc.	503 Scott Road, Mt. Pleasant, TN 38474	K063.
0140	Rochester Button Co	300 State Street, Rochester, NY 14614	Petitioned to exclude non-listed waste.
0141	Windsor Plastics	601 N. Congress Avenue, Evansville, IN 47715	F003.
0142	General Electric Co	Appliance Park-East, Columbia, MD 21046	F006.
0143	John Deere	Dubuque Facility, Dubuque, IA 52001	F006.
0144	Bekaert Steel Wire Corporation	I-40 and Lee Creek Road, Van Buren, AR 72956	K063.
0145	Reynolds Aluminum	501 West 20th Avenue, Sheffield, AL 35660	F019.
0146	Energy Cooperative, Inc	3500 Indianapolis Blvd., East Chicago, IN 46312	K052
0147	Department of the Army	Radford Army Ammunition Plant, Radford, VA 24141	K047
0148	Norris Industries	John C. Watts Drive, Nicholasville, KY 40356	F006.
0149	Industrial Plating, Inc	120 North 36th Street, Lafayette, IN 47904	F006.
0150	Industrial Wastes, Inc	Darlington Disposal Facility, Darlington Township, Beaver County, PA.	K063 and solidified product from K063.
0151	Kuhlman Diecasting Co., Inc	164th and Mission Road, Stanley, KS 66223	F006.
0152	Loxcreen Company, Inc	Highway 84, Hayti, MO	F017, F019.
0153A	Industrial Chemical Division/Gulf Oils Chemicals Co.		
	Brooksville Facility	P.O. Box 158, Brooksville, FL 33512	K045, K046, K047.
	Casper Facility	P.O. Box 1960, Mills, WY 82601	K045, K046, K047.
	Parish Facility	RR#2, Box 445-C, Parish, AL 35580	K045, K046, K047.
	Chemical Explosives Testing Lab	P.O. Box 6200-B, Pittsburg, KS 66762	K045, K046, K047.
	Hollowell Facility	P.O. Box 183, Columbus, KS 66725	K045, K046, K047.
	McLeansville Facility	P.O. Box 183, McLeansville, NC 27301	K045, K046, K047.
	Gulf Oil Corp. (U.S.)	P.O. Box 183, Biwabik, MN 55708	K045, K046, K047.
0153B	Liqwacon Corporation	1600 Pennsylvania Avenue, York, PA 17404	F006, F007, F008, F009, F011, F012, F015, F062.
0154	Plastone Supply Co	101 Meatte Street, Portageville, MO 63873	F006.
0155	Tennessess Electroplating, Inc	P.O. Box 233, Viarr Road, Ripley, TN	F006.
0156	Light Metals Coloring Company, Inc	270 Spring Street, Southington, CT 06489	F006.
0157	Borg and Beck Division/Borg-Warner Corp	6558 South Menard Avenue, Chicago, IL 60638	F011.
0158	A1 Tech Specialty Steel Corp	Willowbrook Avenue, Dunkirk, NY 14048	K063.
0159	General Cable/Indiana Steel and Wire Div	2000 East Jackson Street, P.O. Box 2647, Muncie, IN 47302.	F006, K063.
0160	A1 Tech Specialty Steel Corp	P.O. Box 91, Watervliet, NY 12189	K063.
0161	TRW/Car Division	North National Drive, P.O. Box 1271, Knoxville, TN 37901.	F006/stabilized waste.
0162	Gulf Oil Company, Cincinnati Refinery	P.O. Box 7, Cleves, Hamilton County, OH 25002	K049, K051.
0163	Adolph Coors Co	Golden, CO 80401	F019.
0164	United States Steel Corp	600 Grant Street, Pittsburgh, PA 15230	K061.
0165	E.I. du Pont de Nemours & Co	P.O. Box 3269, Beaumont, TX 77704	K103, K104.
0166	Hutchens Industries Inc., Mans-Steel Foundry	P.O. Box 137, Mansfield, MO 65704	K061.
0167	Lincoln Plating Company	600 West "E" Street, Lincoln, NE 68522	F006.
0168	Pamcor C., Inc	De Diego Avenue, Las Piedras, PR	F006.
0169	ILWD, Inc	7801 W. Morris Street, Indianapolis, IN 46231	Treatment residues from F006, F007 and K062.

II. PETITIONS FILED UNDER 40 CFR 260.22 (PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY)—Continued

Log No.	Company	Address	Waste listings to be excluded
0170	Eastman Kodak Co., Kodak Colorado Division	Windsor, CO 80551	F001, F002, F005, F006.
0171	Liqwacon Corp	Old Waterbury Road, Thomaston, CT 06787	F006, F007, F008, F009, F011, F012, F015, K062.
0172	Liqwacon Corp	165th and Center Avenue, Harvey, IL 60426	F006, F007, F008, F009, F011, F012, F015, K062.
0173	Liqwacon Corp	2050 Central Ave., S.E., Canton, OH 44707	F006, F007, F008, F009, F011, F012, F015, K062.
0174	Sargent-Fletcher Co	9400 E. Flair Drive, El Monte, CA 91731	F019.
0175	United Technologies Corp., Pratt & Whitney Aircraft Group.	Aircraft Rd., Middletown, CT 06457	F006.
		415 Washington Avenue, North Haven, CT 06473	F006.
		Aircraft Rd., Southington, CT 06489	F006.
		Colt Street, East Hartford, CT 06108	F006.
0176	White Mop Wringer Co	P.O. Box 277, Fultonville, NY 12072	F006.
0177	General Motors Corp., Fisher Body Division	Columbus Plant, Columbus, OH 43228	F006.
0178	Ladish Co., Kentucky Division	Route 4, Cynthiana, KY 41031	Solidtach treated F019, K062.
0179	Lehigh-Lancaster, Inc	P.O. Box 1220, Lancaster, SC 29720	K063.
0180	United Technologies, Inc., Pratt & Whitney Aircraft Group.	West Palm Beach, FL 33402	Hydrazine.
0181	Amerock Corp	4000 Auburn Street, Rockford, IL 61101	F007, F008, F009.
0182	E.I. du Pont de Nemours & Company, Inc	Repauno Avenue, Gibbstown, NJ 08027	K103, K104.
0183	Hewlett Packard Co., Loveland Instrument Division	P.O. Box 301A, Loveland, CO 80537	F006.
0184	Globe Steel Abrasive Company	P.O. Box 1179, 238 First Avenue, Mansfield, OH 44901.	F012.
0185	Olin Corporation	P.O. Box 248, Charleston, TN 37310	K071.
0186	Kaplan Containers Corporation	100 Dispatch Drive, E. Rochester, NY 14445	Sludge from barrel re-conditioning.
0187	Bethlehem Steel Corp	Burns Harbor Plant, Box 248, Chesterton, IN 46304	Treated K062, F006.
0188	Penn Dixie Steel Corporation	1111 South Main Street, Kokomo, IN 46901	K063.
0189	Atlantic Wire Co	1 Church Street, Branford, CT 06405	F006.
0190	Reynolds Metals Co	Alloys Sheet and Plate Plant, Second Street, Sheffield, AL 35660.	F019.
0191	Leggett & Platt, Inc	Carthage Facility, Carthage, MO 64836	K062.
0192	Chemline Corporation	37829 Applegate Road, Box F, Lisbon, OH 44432	Treatment residue from K062, F006, F007, F008, F009, F012, F017, F018.
0193A	Bethlehem Steel Corp.	1 Cumberland Street, Lebanon, PA 17042	K062, F006.
0193B	Bethlehem Steel Corp	Bethlehem Plant, Bethlehem, PA 18016	K061.
0194	American Nickeloid Co	Peru, IL 61354	Treatment sludge from F006, K062.
0195	Olin Corporation	Smokeless Power Plant, St. Marks, FL 32355	K044, K046.
0196	Penwalt Corp., Wallace & Tiernan Div	25 Main Street, Belleville, NJ 07109	F010.
0197	FMC Corporation	Bearing Division Plant, Eagle Bend Ind. Park, P.O. Box 330, Clinton, TN 37716.	F012.
0198	Amoco Oil Company, Whiting Refinery	2815 Indianapolis Blvd., Whiting, IN 46394	K048.
0199	3M Company	3154 Copley Road, Copley, OH	K006.
0200	Boeing Military Airplane Company	3801 South Oliver, Wichita, KS 67210	F006.
0201	Kay-Fries, Inc	Stoney Point, NY 10980	F003, F005, P030, P063, P101, P106, U003, U088, U102, U122, U190, U220.
0202	Charter International Oil Co., Houston Texas Refinery	9701 Manchester Street, Houston, TX 77012	K051.
0203	Vulcan Rivet & Bolt Corp	P.O. Box 6448, Tarrant, Birmingham, AL 35217	K062.
0204	Placid Refining Co	Port Allen, LA	K051.
0205	Gulf Oil Company, Port Arthur Refinery	P.O. Box 701, Port Arthur, TX 77640	K048, K051.
0206	Kaiser Aluminum	Trentwood Works, P.O. Box 15108, Spokane, WA 99215.	F019.
0207	Amoco Oil Company, Sugar Creek Refinery	11400 Kentucky Road, P.O. Box 8507, Sugar Creek, MO 64054.	K048, K049, K050, K051.
0208	Fisher Controls Company	Marshalltown, IA 50158	F006.
0209	Molex, Inc	1400 W. Bond Circle, Lincoln, NB 68521	F006.
0210	Marathon Le Tourneau Company	P.O. Box 2307, Longview, TX 75601	K061.
0211	Charter International Oil Company, Houston Texas Refinery.	9701 Manchester Street, Houston, TX 77012	K049.
0212	Continental Can Company	Plant No. 429 (Lacey), 1202 Fones Road, P.O. Box 368, Olympia, WA.	F019.
0213	General Motors Corp., Pontiac Motor Division	One Pontiac Plaza, Pontiac, MI 48053	F006.
0214	S-R of Tennessee	P.O. Box 486, Highway 51 North, Ripley, TN 38063	F006.
0215	Carolina Eastern Co., Division, Eastman Kodak Company.	P.O. Box 1782, Intersection U.S. 21 and Interstate 26, Columbia, SC 29202.	F002, F003, F005, U001, U003, U004, U029, U031, U037, U044, U056, U069, U079, U091, U068, U102, U108, U112, U122, U123, U133, U144, U151, U159, U161, U182, U188, U209, U210, U220.
0216	Wells Aluminum Corporation	P.O. Box 1470, Route 2 Industrial Park, Moultrie, GA 31768.	F109.
0217	Winston Refining Company	P.O. Box 1508, Fort Worth, TX 78101	K048, K051.
0218	General Motors Corp., Detroit Diesel Allison	P.O. Box 894, Indianapolis, IN	F006.
0219	Pennzoil Products Company, Elk Refining Division	P.O. Box 68, Falling Rock WV 25079	K049, K050, K051.
0220	Imperial Clevite, Inc., Engine Part Division	Route #4, Off Route #78, Caldwell, OH 43724	F006.
0221	Vermont American Corp	715 E. Gray Street, Louisville, KY 40202	F006, chromium bearing waste.
0222	General Motors Corp., New Departure Hyatt Bearings	2509 Hayes Avenue, Sandusky, OH 44870	F006.
0223	Titan Oil Company	6785 Telegraph Road, Birmingham, MI 48010	Petitioned to exclude non-listed waste.
0224	Monroe Auto Equipment Co	121 Meridian Avenue, Cozad, NB 69130	F006.
0225	Miller Brewing Company	3939 Highland Blvd., Milwaukee, WI 53201	F019.
0226	Western Electric	1600 Osgood Street, North Andover, MA 01845	F006.
0227	Pisteau, Inc.	Roosevelt, UT	K049, K050, K051.
0228	Carpenter Technology Corp	837 Seaview Avenue, Bridgeport, CT 06607	K062.
0229	Ford Motor Co., Lima Engine Plant	N. Sugar Road, Lima, OH 45809	F006.
0230	Zippo Manufacturing Co	33 Barbour Street, Bradford, PA 16701	F006, F009.
0231	Hercules, Inc	P.O. Box 190, Bessemer, AL 35021	K044.
0232	Heil-Quaker Corp	P.O. Box 128, Lewisburg, TN	F006.
0233	Colt Industries, Holley Carburetor Div	Mayfield Hwy., Paris, TN	F006.
0234	Randal/Textron	Greensburg, IN	F006.
0235	Ferro Manufacturing Co	P.O. Box 190, Ferro Road, Pikeville, TN	F006.
0236	Amperex Electronic Industries, Inc	George Washington Hwy., Smithfield, RI	F006.
0237	Rock Island Refining Corp	5000 W 86th Street, Indianapolis, IN	K049, K050, K051.
0238	Amoco Oil Co	P.O. Box 160, Casper, WY 82602	K048.
0239	United Chair Co	2501 First Avenue South, Irondale, AL 35210	F006.
0240	General Motors Corp., Harrison Radiator	P.O. Box 824, Dayton, OH 45401	F006.
0241	Monroe Auto Equipment	200 McIntyre Drive, Hartwell, GA 30643	F006.
0242	ABCO Industries, Inc	P.O. Box 335, Roebuck, SC 29376	Treatment residue from incineration of organic waste.

II. PETITIONS FILED UNDER 40 CFR 260.22 (PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY)—Continued

Log No.	Company	Address	Waste listings to be excluded
0243	Plymouth Tube Co	Highway 79, Pinson, AL	K063.
0244	Murphy Oil Corp	Railroad Road, P.O. Box 2066, Superior, WI 54880	K049, K050, K051.
0245	General Motors Corp., Delco Products Division	2000 Forrer Blvd., P.O. Box 1042, Dayton, OH 45401	F006, K062.
0246	Browning Ferris Industries	Rural Route 3, Liberty, MO 64068	K048, K049, K051, chromium and lead plating wastes, U188.
0247	Hercules, Inc	P.O. Box 271, Hopewell, VA 23860	F003, F005, K018.

Dated: November 17, 1981.

Christopher J. Capper,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 81-34946 Filed 12-4-81; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6090

[OR-19181]

Oregon; Powersite Restoration No. 735; Partial Revocation of Powersite Classification No. 383

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a U.S. Geological Survey Order in part as to 507.68 acres of land withdrawn for a powersite classification. This action will restore the lands to operation of the public land laws generally.

EFFECTIVE DATE: December 22, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-562-Oregon, it is ordered as follows:

1. The U.S. Geological Survey Order of August 15, 1947, which created Powersite Classification No. 383 is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Classification No. 383

T. 7 S., R. 19 E.,
Sec. 28, NW¼NE¼;
Sec. 31, SE¼SW¼ and SW¼SE¼.
T. 8 S., R. 19 E.,
Sec. 3, lot 2;
Sec. 4, lot 7;
Sec. 10, SE¼SW¼;
Sec. 22, SE¼SW¼;
Sec. 25, SW¼SE¼.
T. 9 S., R. 19 E.,
Sec. 1, SE¼NE¼ and NE¼SE¼;
Sec. 12, SE¼NE¼.
T. 8 S., R. 20 E.,
Sec. 31, lot 4 and SW¼NE¼.

The areas described aggregate 507.68 acres in Jefferson, Wasco, and Wheeler Counties.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. At 10 a.m. on December 22, 1981, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws. All valid applications received at or prior to 10 a.m. on December 22, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

November 16, 1981.

[FR Doc. 81-35003 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-388; RM-3794]

Radio Broadcast Services; FM Broadcast Station in North Muskegon, Michigan; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 252A to North Muskegon, Michigan, in response to a petition filed by LDM Broadcasting, Inc. The proposed station would provide a first local FM broadcast service to North Muskegon.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: November 18, 1981.

Released: December 1, 1981.

By the Acting Chief, Policy and Rules Division.

1. The Commission has under consideration a notice of proposed rule making 46 FR 35131, published July 7, 1981, proposing the assignment of Channel 252A to North Muskegon, Michigan, as that community's first FM assignment. Supporting comments were filed by the petitioner restating its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. North Muskegon (population 4,243),[1] in Muskegon County (population 157,426), is located approximately 272 kilometers (170 miles) northwest of Detroit, Michigan. It has no local aural broadcast service.

3. In comments to the proposal, the petitioner incorporated by reference the information in the *Notice* which demonstrated the need for an FM assignment. Petitioner noted that North Muskegon has sufficient size and growth potential to support an FM station.

[1] The population figures are taken from the 1970 U.S. Census.

4. Canadian concurrence in the assignment of Channel 252A to North Muskegon, Michigan, has been obtained.

5. The Commission believes that the public interest would be served by assigning Channel 252A to North Muskegon, Michigan, since it would provide that community with an opportunity for its first local FM broadcast service. The transmitter site is restricted to 4 kilometers (2.4 miles) northwest of the city to avoid short spacing to Station WGRD (Channel 250) Grand Rapids, Michigan. WGRD is in the process of relocating its transmitter site, and once effectuated, the mileage separation requirements would be met, thereby eliminating the imposition of a site restriction.

6. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with regard to the following community:

City	Channel No.
North Muskegon, Michigan	252A

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1096, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-34954 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-406; RM-3793]

Radio Broadcast Services; FM Broadcast Station in Leone, American Samoa; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 266 to Leone, American Samoa, in response to a petition filed by Radio Samoa, Ltd. The assignment could provide Leone with a first local FM service.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 18, 1981.

Released: December 1, 1981.

By the Acting Chief, Policy and Rules Division.

1. Before the Commission is a notice of proposed rule making, 46 FR 34605, published July 2, 1981, proposing the assignment of Class C FM Channel 266 to Leone, American Samoa, as that community's first FM allocation, in response to a petition filed by Radio Samoa, Ltd. ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Leone (population 1,657)[1] is located in Lealataua County (population 3,145), on the Island of Tutuila (population 24,548). It is presently served by full-time AM Station WVUV, which is licensed to the petitioner. The assignment can be made consistent with the minimum distance separation requirements (§ 73.207) and the Table of Frequency Allocations (§ 2.106) of the Commission's Rules.

3. As stated in the notice, petitioner's engineering statement indicated that there are no FM broadcast stations operating in either American or Western Samoa at the present time, and the nearest operational one is located approximately 700 miles distant at Suva, in the Fiji Islands.

4. Additionally, the notice pointed out that Channel 266 (101.1 MHz), was selected for use in American Samoa since, according to petitioner, it is one of the Class C channels without second-harmonic conflicts with television channels presently in use there.

5. Petitioner's supporting comments incorporated by reference the information contained in the notice, which established the need for a first FM assignment to Leone, American Samoa.

6. In view of the above, we believe that the public interest would be served by the assignment of Channel 266 to Leone, American Samoa. An interest has been expressed for its use and such an assignment could provide the community with a first FM and second nighttime aural broadcast service.

7. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, That effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with respect to the following community:

City	Channel No.
Leone, American Samoa	266

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-34955 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-169; RM-3776]

FM Broadcast Station in Oroville, California; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channel 28 to Oroville, California, in response to a petition filed by Sacramento Valley Family Television, Inc. (now Golden Valley Communications). The assignment could provide Oroville with a first local television service.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 18, 1981.

Released: December 1, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Oroville, California); Report and order (Proceeding Terminated).

1. The Commission herein considers a *Notice of Proposed Rule Making*, 46 FR 17645, published March 26, 1981, which

[1] Population figures are extracted from the 1970 U.S. Census, as the 1980 Census figures are not available to us at this time.

proposed the assignment of UHF television Channel 28 to Oroville, California, as that community's first television assignment, in response to a petition filed by Sacramento Valley Family Television, Inc.[1] ("petitioner"). Supporting comments were filed by petitioner reiterating its intention to apply for authority to construct and operate a station on Channel 28 at Oroville, California, if assigned. Comments were also filed by Abe Theissen ("Theissen") indicating an interest in applying for the proposed channel.

2. In his comments, Theissen states that according to his information, he believes that the petitioner, Sacramento Valley Family Television, Inc., is no longer interested in the proposed assignment. However, this assumption may be a result of the petitioner's name change (see fn. 1, *supra*). As reflected above, the petitioner has indeed filed comments indicating its continuing interest in the proposed assignment.

3. Oroville (population 8,683),[2] in Butte County (population 143,851), is located approximately 112 kilometers (70 miles) north of Sacramento. It presently has no local television service.

4. The Commission believes that the public interest would be served by assigning UHF television Channel 28 to Oroville. An apparent need for a first local television service to the community has been shown, and the assignment can be made consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective February 1, 1982, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Oroville, California	28

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-34944 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Petitioner subsequently changed its name to Golden Valley Communications.

[2] Population figures are extracted from the 1980 U.S. Census, Advance Reports.

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47 CFR Part 73

[BC Docket No. 80-316; RM-3564]

FM Broadcast Station in Fountain, Colo.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 292A to Fountain, Colorado, in response to a petition for reconsideration filed by Fountain Broadcasting Company. This assignment could provide Fountain with a first local aural broadcast service.

DATE: Effective February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 18, 1981.

Released: December 1, 1982.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fountain, Colorado): Memorandum opinion and order.

1. On May 19, 1981, the Commission adopted a *Report and Order*, herein, 46 FR 30516, published June 9, 1981, which terminated the above-captioned proceeding for failure of Kurt M. Grow ("petitioner"), to make the requisite showings of initial and continuing interest in his proposal to assign FM Channel 292A to Fountain, Colorado, as that community's first local aural broadcast service.

2. In response to the *Report and Order*, an unopposed petition for reconsideration was filed by Fountain Broadcasting Company ("Fountain"), a recently-formed partnership, in which it states it was previously unaware of the contemplated assignment to Fountain. It notes that its interest is particularly strong since the earlier lack of interest in the channel may lessen the likelihood that a comparative proceeding will be required before this service could be initiated in Fountain.

3. Fountain (Population 8,324)[1] is located in El Paso County (population 309,424), approximately 24 kilometers (15 miles) southwest of Colorado Springs, Colorado. It presently has no local aural broadcast service.

4. We believe that the public interest would be served by the assignment of Channel 292A to Fountain, Colorado, since it would provide the community an opportunity to obtain its first local aural broadcast service. Additionally, since the channel would have been assigned heretofore had it not been for the lack of an expression of interest, which we now have, we believe that a reversal of our earlier action is warranted, and accordingly, we will assign Channel 292A to Fountain, Colorado. The assignment can be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

5. Accordingly, it is ordered, that effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with regard to the community listed below, as follows:

City	Channel No.
Fountain, Colorado	292A

6. Authority for the adoption of the above amendment is contained in §§ 4(i), 5(d)(1), 303(g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. It is further ordered, that the *Report and Order* herein is reversed and this proceeding is hereby terminated.

8. For further information regarding the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-34945 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1206 and 1207

[No. 37337]

Accounting for Intangible Assets of Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is formally adopting generally accepted accounting principles related to intangible assets. This includes Financial Accounting Standards Board Statement No. 44, Accounting for Intangible Assets of Motor Carriers (FASB No. 44, December 1980), and Accounting Principles Board Opinion No. 17, Intangible Assets (APB No. 17, August 1970). FASB No. 44 requires motor carriers of property to charge to income all unamortized costs of interstate operating rights. This write-off is the result of the Motor Carrier Act of 1980 (Pub. L. 96–296) which removes most route restrictions and eases carrier entry into new routes and expanding routes. APB No. 17 states that identifiable intangible assets and goodwill shall be amortized over a period not to exceed 40 years from date of acquisition. All motor carriers subject to the Commission's uniform systems of accounts will no longer operate under the premise that intangible assets should be amortized only when the term or existence of the asset has become limited or its value impaired.

DATE: Effective for the reporting year beginning January 1, 1980.

ADDRESS: Copies of this notice may be obtained by writing to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423; or by calling toll-free, 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275–7448.

SUPPLEMENTARY INFORMATION:

Background

In accordance with 49 CFR 1200.2 on adoption of generally accepted accounting principles, the Bureau of Accounts issued Accounting Series Circular No. 182 on Accounting for Intangible Assets (ASC 182, August 15, 1980). ASC 182 advised carriers of the Bureau's intention to adopt the provisions of Accounting Principles Board Opinion (APB) No. 17, Intangible Assets. It repealed the Bureau's February 9, 1972, notice prohibiting amortization of carrier operating rights unless their term of existence became limited or their value permanently impaired.

In December 1980, the Financial Accounting Standards Board released FASB Statement No. 44, Accounting for Intangible Assets of Motor Carriers. This statement required motor carriers of property to immediately charge to expense unamortized costs of interstate operating rights. Further, it requires other identifiable intangible assets and goodwill related to motor carrier operations to be accounted, for in accordance with Accounting Research Bulletin (ARB) No. 43, Chapter 5, or APB Opinion No. 17, as appropriate.

In response to this statement, the Bureau issued on February 13, 1981, ASC 188, Accounting for Intangible Assets of Motor Carriers, which superseded ASC 182. It requires motor carriers of property to assign the cost of all intangible assets acquired on or before July 1, 1980, to interstate operating rights, other identifiable intangible assets (including intrastate operating rights) and goodwill. Costs assigned to operating rights were charged to income and, if material, to account 8810, Extraordinary items. Costs assigned to other identifiable assets or goodwill are treated in accordance with FASB No. 44.

Motor carriers of passengers are also required to follow generally accepted accounting principles for identifiable intangible assets and goodwill.

Review of Responses

The Bureau of Accounts received comments from one respondent, West Coast Truck Lines, Inc., on ASC 188. It addressed two issues: the recognition and reporting of tax benefits related to the write-off of interstate operating rights and the accounting for other identifiable intangible assets and goodwill.

Tax benefits related to the write-off of operating rights were unresolved when ASC 188 was issued. Consequently, ASC 188 recommended that carriers not recognize any tax benefits which might develop from pending tax legislation or attempt to sustain a case for a casualty loss on Federal and State income tax returns. Subsequently, Section 266 of the Economic Recovery Tax Act of 1981 (August 13, 1981) allows carriers in computing taxable income to deduct ratably over a 60-month period the adjusted basis of motor carrier operating authorities held on July 1, 1980.

Since ASC 188 adopts FASB Statement No. 44, carriers should be accounting for other identifiable intangible assets and goodwill accordingly.

Discussion and Conclusions

Motor carriers are accounting for intangible assets as directed by Accounting Series Circular 188. This final rule incorporates all of FASB Statement No. 44 and APB Opinion No. 1 requirements into the appropriate uniform system of accounts.

Regulatory Flexibility Act: Pursuant to 5 U.S.C. 605(b), the Secretary of the Commission has certified that the requirements of the Regulatory Flexibility Act do not apply to this final rule since it will not have a significant impact on a substantial number of small businesses. This rule requires regulated carriers to account for intangible assets in accordance with generally accepted accounting principles. This accounting is an accepted accounting practice required by the Financial Accounting Standards Board. For Commission reporting, the carriers should not incur significant expense or unduly utilize other resources to comply with this disclosure requirement.

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

This action is taken under authority of 49 U.S.C. 553 and 49 U.S.C. 10321.

We adopt the changes to 49 CFR Parts 1206 and 1207 set forth in Appendix A to this final rule.

Decided: November 27, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix A

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

1. Amend 49 CFR Part 1206 as detailed below:

a. In Instruction 2–31, Amortization of intangibles, revise paragraphs (a) and (b) and add paragraph (c):

2-31 Amortization of intangibles.

(a) For intangible assets acquired after December 31, 1979, the cost of the asset shall be amortized by systematic charges to Account 5100, Amortization of Carrier Operating Property, or Account 7500, Other Deductions, as prescribed by the account texts for accounts in the 1500 series. Systemtic charges shall be made over the period of useful life not to exceed 40 years from the date of acquisition. Such charges shall be based on the straight line method of amortization unless the carrier demonstrates that another method more adequately reflects the

decline in economic service value of the asset.

(b) For unamortized intangible assets acquired after October 31, 1970, but before December 31, 1979, the cost of the assets shall be adjusted in the accounts to retroactively reflect the generally accepted accounting principle of amortization of intangible assets. Subsequent accounting shall be in accordance with (a) above.

(c) For intangible assets held before November 1, 1970, the carrier shall consider the life expectancy of the asset to determine the appropriate accounting. Intangible assets with limited lives shall be amortized over their estimated period of future use. A retroactive adjustment shall be necessary if the particular intangible asset has never been amortized. Intangible assets with indeterminate lives may remain unamortized or may be amortized prospectively over a period of 40 years from date of acquisition.

b. Add the following note to the account texts listed below:

(Note: See Instruction 2-31)

(1) Account 1500, Organization, franchises and permits.

(2) Account 1501, Organization (Note D).

(3) Account 1511, Franchises (Note B, amend existing Note to read "Note A").

(4) Account 1541, Patents.

(5) Account 1550, Other intangible property.

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

2. Amend 49 CFR Part 1207 as follows:

a. In Instruction 23, Depreciation and amortization, revise paragraphs (d)(1) and (2) and add (d)(3):

23 Depreciation and amortization.

* * * * *

(d)(1) Intangible items with fixed terms included in Account 1310—Organization, Franchises and Permits (class II), and Accounts 1321—Franchises (class I), and 1331—Permits and Patents (class I), shall be amortized by means of systematic charges to Account 5390/8220—Amortization Expense (Other). The cost of acquiring long-term leaseholds and easements for use in motor carrier operations, included in Account 1341—Other Intangible Property (classes I and II), shall be amortized in the same manner as above. Concurrent credits shall be made to Account 1312—Accumulated Amortization—Organization, Franchises, Permits (class II), Account 1322—Accumulated Amortization—Franchises (class I), Account 1332—Accumulated Amortization—Permits and Patents (class I), or Account 1342—Accumulated Amortization—Other Intangible Property (classes I and II). The amortization period shall be over the estimated useful life of the particular asset not to exceed 40 years from the date of acquisition.

(2) Amortization or entire write-off for costs of acquiring perpetual leaseholds and for intangible items carried in Accounts 1310 and 1341 (class II), and Accounts 1313, 1321, 1331, and 1341 (class I), that are not restricted to fixed terms (except those items relating to the acquisition of the distinct operating unit for which specific provision is made in Instruction 30), shall be debited to Account 8400/9400—Other Nonoperating Income (net) (class II), and Account 8422/9422—Amortization (franchises, permits, and other) (class I), with concurrent credits made to the appropriate accumulated depreciation and amortization accounts [Accounts 1312 or 1342 (class II), and Accounts 1314, 1322, 1332 or 1342 (class I)]. The amortization period for intangible assets having an indeterminate life shall be the maximum period of 40 years from date of acquisition.

(3) Carriers shall follow generally accepted accounting principles in acquiring, amortizing and disposing of identifiable intangible assets and goodwill.

* * * * *

b. Revise Instruction 30, Amortization of other intangible property, to read:

30. Amortization of other intangible property.

(a) When it becomes reasonably evident that the term of existence of an intangible property, the cost of which is included in Account 1341—Other Intangible Property, has become limited or its value impaired, its remaining unamortized cost shall be amortized over the remaining life or entirely written-off by charges to Account 8400/9400—Other Nonoperating Income (net) (class II), and Account 8422/9422—Amortization (other nonoperating deductions) (class I), depending on the remaining estimated period of usefulness with concurrent credit to Account 1342—Accumulated Amortization—Other Intangible Property (classes I and II).

(b) The amount retained in Account 1341—Other Intangible Property, less accumulated amortization, shall not exceed the fair value of the intangibles as of the time of acquisition. Fair value of intangibles acquired in purchase of a distinct operating unit means the amount by which total consideration paid exceeds fair market value of tangible property and other net assets (except intangibles), in conformity within instruction 20.

c. In Account 1321, Franchises (class I), revise paragraphs (a), (b), and (c) and add paragraph (e):

1321 Franchises (class I).

(a) This account shall include amounts actually paid to a State or political subdivision thereof, or to other governmental authorities in consideration of franchises, consents, or certificates representing the cost of acquisition of intrastate operating rights and running in perpetuity or for a specified term of more than 1 year. (See Note A.)

(b) This account shall also be charged with expenditures incident to applications for intrastate franchises, consents, or certificates if such applications are acted upon favorably by the regulatory body, including fees for legal and auditing services, expenses of witnesses, cost of newspaper and other advertisements, et cetera, and pay and expenses of employees engaged in preparing exhibits and other data for hearings.

(c) When a franchise, consent, or certificate for intrastate operating rights is acquired by assignment, the charge to this account shall not exceed its actual cost to the original holder as set out in paragraphs (a) and (b) of this account. Payments by the acquiring carrier in excess of the cost to the original holder, together with any expenses incurred in effecting the transfer, shall be debited to Account 1341—Other Intangible Property. (See, however, Instruction 20.)

* * * * *

(e) The purchase price and all legal, filing and other fees incurred for the acquisition of interstate operating rights acquired after July 1, 1980, shall be charged to Account 8400/9400—Other Nonoperating Income (net), for class II carriers, and Account 8429/9429—Other Nonoperating Deduction for class I carriers.

[FR Doc. 81-35001 Filed 12-4-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 234
Monday, December 7, 1981

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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-AEA-65]

Proposed Renumbering of Federal Airways

Correction

In FR Doc 81-33979 appearing on page 57913 in the issue of Friday November 27, 1981, make the following correction:

In the first column of page 57914, under "5. V-162 [Amended]" change "Harrisburg 0.87°" to read "Harrisburg 087°".

BILLING CODE 1505-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Part 2009

Submission of Representations Concerning Standards-Related Activity

AGENCY: United States Trade Representative.

ACTION: Proposed rule and request for comments.

SUMMARY: The Office of the United States Trade Representative proposes to issue these regulations to provide for the proper submission of representations by certain foreign countries concerning standards-related activities viewed by such countries as barriers to trade. These proposed regulations implement the Agreement on Technical Barrier to Trade, which was entered into by the United States in the Tokyo Round of Multilateral Trade Negotiations, and Section 422 of the Trade Agreements Act of 1979.

DATE: Comments must be submitted on or before February 5, 1982.

ADDRESS: Comments may be mailed to the Assistant U.S. Trade Representative for GATT Affairs, United States Trade Representative, 600 17th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Donald S. Abelson, Chairman, Trade Policy Staff Committee, Standards Subcommittee (202/395-3063).

SUPPLEMENTARY INFORMATION:

Background

The Agreement on Technical Barriers to Trade (the "Agreement") was approved by Congress in section 2(a) of the Trade Agreements Act of 1979 (19 U.S.C. 2503(a)) and entered into force for the United States on January 1, 1980. Article 14:2 of the Agreement provides:

> If any Party considers that any benefit accruing to it, directly or indirectly, under this Agreement is being nullified or impaired, or that the attainment of any objective of this Agreement is being impeded by another Party or Parties, and that its trade interests are being significantly affected, the Party may make written representations or proposals to the other Party or Parties which it considers to be concerned. Any Party shall give sympathetic consideration to the representations or proposals made to it, with a view to reaching a satisfactory resolution of the matter.

This provision was implemented in domestic law by section 422 of the Trade Agreements Act of 1979 (19 U.S.C. 2552), which provides that the United States Trade Representative shall receive all such standards-related representations. The proposed regulations further implement Article 14.3 and section 422.

Authority

The authority for the proposed regulations published below is 5 U.S.C. 301; the Trade Agreements Act of 1979, sections 3(b) (19 U.S.C. 2504(b)) and 401-422 (19 U.S.C. 2251-54); E.O. 11846 of March 27, 1975 (40 FR 69173); Reorganization Plan No. 3 of 1979 (44 FR 69173), and E.O. 12188 of January 2, 1980 (45 FR 989).

Drafting Information

The principal authors of this document were Amelia Porges and Clifford Marshall of the Office of the General Counsel, Office of the United States Trade Representative.

Regulatory Impact Analysis

The Office of the United States Trade Representative has determined that these regulations are issued with respect to a foreign affairs function of the United States. Accordingly, section 3 of E.O. 12291 does not apply and a Regulatory Impact Analysis is not required.

Accordingly, 15 CFR Chapter XX is proposed to be amended by adding a new Part 2009, reading as set forth below:

William E. Brock,

United States Trade Representative.

PART 2009—PROCEDURES FOR REPRESENTATIONS UNDER SECTION 422 OF THE TRADE AGREEMENTS ACT OF 1979

Sec.

2009.0 Submission of representation.
2009.1 Information required in representation.
2009.2 Adequacy of representation.

Authority: 5 U.S.C. 301; 19 U.S.C. 2504(b), 2251-54; E.O. 11846, 40 FR 14291; Reorganization Plan No. 3 of 1979, 44 FR 69173; E.O. 12188, 45 FR 989.

§ 2009.0 Submission of representation.

(a) Any—

(1) Party to the Agreement; or

(2) Foreign country that is not a Party to the Agreement but is found by the United States Trade Representative ("Trade Representative") to extend rights and privileges to the United States that are substantially the same as those that would be so extended if that foreign country were a Party to the Agreement,

may make a representation to the Trade Representative alleging that a standards-related activity engaged in within the United States violates the obligations of the United States under the Agreement on Technical Barriers to Trade.

(b) All representations under section 422 of the Trade Agreements Act of 1979 ("the Act") shall be addressed to the United States Trade Representative, Office of the United States Trade Representative, 600 17th Street, NW., Washington, D.C. 20506. Alternatively, such a representation may be made by diplomatic correspondence and may be accepted by the Trade Representative.

(c) "The Agreement", a "Party to the Agreement" and "standards-related activity" are defined as in section 451 of the Act (19 U.S.C. 2571)

(d) Representations shall be submitted in 10 copies.

§ 2009.1 Information required in representation.

(a) Each representation submitted under section 422 shall state clearly on the first page that the representation is a request for action with respect to the obligations of the United States under the Agreement, and shall contain the following information:

(1) The foreign country making the representation, the division of the foreign country's government representing that country's interest, the person(s) within that division who is (are) coordinating the foreign country's representation.

(2) A description of the standards-related activity at issue, including, whenever possible, copies of the standards-related activity's provisions.

(3) Identification of the foreign goods or services affected by the standards-related activity at issue.

(4) A statement of how the standards-related activity concerned is alleged to violate the obligations of the United States under the Agreement. This statement must indicate with particularity which such obligations are alleged to be violated.

(5) Information sufficient to provide a reasonable indication that the standards-related activity concerned is having a significant trade effect, including (but not limited to) the volume of trade in the goods and services concerned.

(6) Indication as to whether the foreign country has officially petitioned, filed or complained for relief concerning the same subject matter as this representation to any international forum.

§ 2009.2 Adequacy of representation.

(a) If the representation filed under § 2009.0 does not conform substantially to the requirements of §§ 2009.0 and 2009.1, the Trade Representative may return the representation to the foreign country which submitted it with written guidance as to how to make the representation conform to the requirements, or determine that there is nevertheless sufficient information on which to proceed. A resubmission in conformity with the requirements shall be sufficient to initiate process. Upon a finding of sufficiency, the Trade Representative shall notify the foreign government of the sufficiency of the representation.

(b) At any time the Trade Representative may find that it is clear from the available information that the representation does not warrant further consideration and the representation may be returned to the petitioner with a written statement of the reasons it was found not to warrant further consideration.

[FR Doc. 81-35000 Filed 12-4-81; 8:45 am]
BILLING CODE 3190-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3213]

D'Arcy-MacManus & Masius, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a St. Louis, Missouri advertiser to cease disseminating advertisements for any denture products, toothache drop or gel which contains representations that contradict or negate the health, safety, or efficacy statements appearing on the product's label. Any claims regarding the duration of use of such product would trigger a disclosure of any labeling warning. The order would further require that any representation that Snug Denture Cushions can be worn "for weeks" or any period of time, be accompanied by a statement that denture cushions should only be used "temporarily, until a dentist can be seen."

DATE: Comments must be received on or before February 5, 1982.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PF, Leslie Rossen, Washington, D.C. 20580. (202) 724-1496.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 792 3213]

Agreement Containing Consent Order To Cease and Desist

In the matter of D'Arcy-MacManus & Masius, Inc., a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of D'Arcy-MacManus & Masius, Inc., a corporation, and it now appearing that D'Arcy-MacManus & Masius, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices under investigation.

It is hereby agreed by and between D'Arcy-MacManus & Masius, Inc. by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent D'Arcy-MacManus & Masius, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at One Memorial Drive, St. Louis, Missouri 63102.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of the complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist shall have the same force

and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent, by its duly authorized officer, has read the proposed complaint and order contemplated hereby. It is understood that once the order has been issued, proposed respondent will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered That respondent, D'Arcy-MacManus & Masius, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device (hereinafter "respondent"), in connection with the advertising, offering for sale, sale or distribution of any denture product or toothache drops or gel, forthwith cease and desist from disseminating or causing the dissemination of any advertisement by any means in or affecting commerce which makes any representation directly or indirectly that is inconsistent with, negates or contradicts any statement concerning matters of health, safety or efficacy set forth on the labeling of any such product or which in any way limits or qualifies any such statement appearing on the labeling of any such product.

II

It is further ordered That respondent, in connection with the advertising, offering for sale, or distribution of any denture product or toothache drops or gel (except denture cushions as provided for in Paragraph 3) shall, in disseminating or causing the dissemination by any means in or affecting commerce of any advertisement which makes any representation directly or indirectly (other than those prohibited in I above) regarding duration of use of any such product, disclose clearly and conspicuously any labeling warning regarding duration of use of such a product.

It is agreed, for the purposes of this Order, that in the event a label or packaging warning regarding duration of use is no longer utilized for any such product, advertisements for said product need not bear a disclosure regarding duration of use.

III

It is further ordered That respondent, in connection with the advertising, offering for sale, sale or distribution of the product Snug Denture Cushions or any other denture cushion, when making any representation regarding the duration of use of said product (other than those prohibited in I, above), shall disclose clearly and conspicuously that said product is only appropriate for short-term use until a denture wearer is able to see a dentist for the adjustment of his or her loose or ill-fitting dentures. For the purposes of this Order, it is agreed that respondent may use the term "for weeks" in the advertising of denture cushion products so long as the terms "temporary" and "only until a dentist can be seen" are included, and the advertisement does not imply the product should be used on a long term basis.

For the purposes of this Order, in the event that the Snug Denture Cushion product is no longer regarded by the Federal Food and Drug Administration as suitable only for short-term, nonregular use, the respondent may seek from the Commission amendment of this portion of this Order.

IV

It is further ordered That respondent shall forthwith distribute a copy of this Order to each of its operating divisions.

It is further ordered That respondent notify the Commission at least thirty (30) days prior to any proposed change in its corporate status such as dissolution, emergence of a successor corporation, the creation or dissolution of any subsidiaries, and assignment or sale of the business, or any other change in the corporate respondent that may affect compliance obligations arising out of this Order.

It is further ordered That respondent shall, within sixty (60) days after this Order becomes final, and annually thereafter for three (3) years, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form in which it has complied with this Order.

D'Arcy-Macmanus and Masius, Inc., Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from the D'Arcy-Macmanus and Masius, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged respondent with disseminating advertisements containing false, unfair and deceptive representations regarding proper duration of use of the product, Snug Denture Cushions. In particular, the complaint alleged that respondent's advertisements tended to contradict and negate the import of certain health and safety warnings which appeared in the labeling of the product, Snug Denture Cushions. Those warnings specifically informed users of the dangers of long term use of ill fitting dentures or cushions as such use could lead to swelling or faster bone resorption. In addition, the label warning advised that the product be used on a temporary basis only until a dentist could be seen. The complaint further alleged that respondent failed to mention such label warnings in its advertisements, thus misleading consumers into believing that no such warnings exist. The existence of the warnings was alleged to be a material fact which would likely affect a consumer's purchase or use of the product. Failure to disclose such a material fact rendered the challenged advertisements false, deceptive and unfair.

The consent order contains the following provisions designed to remedy the violations charged. Part I prohibits respondent from including in advertising for any denture products or toothache drops or gel representations which are inconsistent with, negate or contradict health, safety or efficacy statements included in the product's labeling.

Part II addresses the problem of misleading duration of use claims for denture products or toothache drops or gel, by providing for a triggered disclosure. Where respondent makes any duration of use claim for such products, the label warning must be disclosed clearly and conspicuously. However, if that label warning is no longer required, there need be no such disclosure.

Part III deals specifically with the challenged Snug Denture Cushion advertisements. Those ads must clearly and conspicuously disclose that the product is for short term use. In doing so, respondent may still use the term "for weeks" in describing the term of use of Snug but must at the same time include the words "temporary" and "only until a dentist can be seen." This provision was included to protect against the misleading implication that Snug Denture Cushions may be used on a long term basis. This requirement is in recognition of the findings of the Food and Drug Administration that Snug Denture Cushions are appropriate only for short term use. If the FDA changes its position, respondent may seek to have this part of the order amended.

Part IV of the consent order requires respondent to distribute the order to each of its operating divisions; to notify the Commission prior to any proposed change in its corporate status which may affect compliance with the consent order; and to file a compliance report within sixty (60) days after the order becomes final.

A consent order with Metholatum Co, the manufacturer of Snug Denture Cushions, was accepted by the Commission on October 6, 1980.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-34936 Filed 12-4-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 772

[FHWA Docket No. 78-33; Notice 2]

Procedures for Abatement of Highway Traffic Noise and Construction Noise

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a revision to the existing noise abatement regulation and requests comments on the revision and related issues. The proposed revision is intended to simplify noise abatement procedures and eliminate unnecessary requirements.

DATE: Comments must be received on or before February 5, 1982.

ADDRESS: Submit written comments to FHWA Docket No. 78-33, Notice 2, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. et, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Reagan, Noise and Air Analysis Division, Office of Environmental Policy (202-426 4836), or Mr. Thomas Holian, Office of the Chief Counsel (202-426-0761), Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m et, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA has reviewed its current procedures for the abatement of highway traffic noise and construction noise, published on April 23, 1976 (41 FR 16936), and appearing as Part 772 of Title 23 of the Code of Federal Regulations and Volume 7, Chapter 7, Section 3 of the Federal-Aid Highway Program Manual (FHPM 7-7-3). Based on this review, it was determined that these procedures should be simplified in order to achieve the Administration's stated goals of reducing unnecessary burdens upon the States and the public and reducing redtape whenever possible.

Consequently, on December 6, 1978, the FHWA published an advance notice of proposed rulemaking (ANPRM) (43 FR 57161) raising nine issues concerning these procedures for consideration by affected persons and the general public and soliciting their comments. These nine issues are restated below followed by a summary and discussion of the responses received.

Discussion of Comments

Twenty-eight comments were received, 22 of which were from State highway agencies. The remaining six commenters included two State environmental agencies, two counties, the U.S. Environmental Protection Agency (EPA), and the National Association of Noise Control Officials.

The first issue raised in the ANPRM was whether requirements not specifically included in the Federal-aid highway statutes should be deleted, specifically the requirements for coordination of approximate generalized future noise levels, information on noise compatible development, and FHWA procedures on Type II projects with local officials and discussion of construction noise. Eleven commenters recommended retention of the first requirement and four favored deletion. Nine recommended keeping the second requirement and three recommended against it. It is proposed to retain both requirements.

The second issue concerned the detailed procedures contained in the current regulation. The 15 commenters on this issue were evenly divided among those who recommended maintaining the detail, deleting the detail, and increasing the flexibility of the procedures. Consistent with FHWA policy to simplify procedures and provide greater flexibility, it is proposed to delete the detailed procedures.

The exception process was the third topic on which comments were solicited. It is clear that this issue was not adequately explained in the ANPRM. Many respondents mistakenly believed that removal of the exception procedure would rigidly require noise abatement in every instance, regardless of cost, feasibility, practicability, or neighborhood desires. The intention of eliminating the exception procedure was not to eliminate the flexibility in noise abatement decisions, but rather to eliminate the requirement for formal documentation and approval of exceptions in those instances where abatement is not warranted. The majority view favored this less formal approach, and the FHWA is now proposing to delete the exception process.

The fourth issue concerned whether the criteria for determining noise impact based upon health and welfare effects should be added. Eight of 11 respondents were against including such criteria in the regulation. The existing criteria remain unchanged in this proposal.

The fifth question was whether the actual costs of noise abatement measures should be listed separately from economic effects in considering the overall social, economic, and environmental effects of noise abatement. All 12 comments received on this question urged that cost be stated separately. To clarify the current provision, the term "cost of abatement" is listed separately from economic effects in the revised regulation.

The sixth issue was whether to permit Federal participation in the cost of noise insulation of private buildings on a routine basis. Fourteen of the 20 comments on this issue recommend participation only in exceptional cases, not on a routine basis. On the basis of these comments, the FHWA is not proposing any change in its current policy on Federal participation in noise insulation of private buildings.

The seventh question asked if there were too many definitions in the regulation. Eight respondents thought the current definitions necessary, four requested additional definitions, and only one thought there were too many. If the detailed procedures are deleted as proposed, many terms currently defined would no longer be used in the regulation. Also, definition of common terms was felt unnecessary and inconsistent with other FHWA regulations. Therefore, it is proposed to delete most definitions.

The eighth issue concerned eliminating the list of factors which may be considered in establishing a relative priority for Type II projects. There were only seven responses to this issue. Six commenters thought the list should be retained. The EPA's comment is discussed in item #3 in the section "Request for Additional Comments," which follows. The list of factors has been eliminated in this proposal because it contained only some suggested items to be considered and was neither complete nor binding in nature.

The last issue raised in the ANPRM was whether there was a need for clarification of the types of projects to which the noise standards apply. Eight of nine respondents to this issue agreed that clarification was needed. The proposed section on applicability has been rewritten to clarify the types of projects to which the regulation applies.

Comments are invited on the FHWA's proposed response to the foregoing issues.

Discussion of Proposed Regulation

As previously noted, it is FHWA policy that regulations should provide for maximum flexibility and discretion on the part of FHWA field elements and the States, and include only those requirements which are clearly necessary for effective implementation of the program and can reasonably be accomplished. Major changes to the noise regulation which are proposed in response to this policy include elimination of both the exception process and the requirement for FHWA concurrence in the noise study report for individual projects. Because the exception process would be eliminated, there would no longer be a need to divide Type I projects into two categories based on access control. The noise analysis and abatement requirements would remain unchanged, but the established processes of environmental assessment documentation together with the normal consultation and reviews which occur continuously throughout the project development phase of a highway improvement would be used in place of the specific noise documentation requirements. This should give more flexibility in managing the highway program while achieving the same purpose of evaluation and mitigation of noise impacts. These revisions should reduce the paperwork burden on State highway agencies and expedite the development process.

Much of the information in Part 772 that is explanatory or offers detailed guidance (such as definitions, measurement techniques, noise reduction factors, and the list of considerations for relative priority of Type II projects) would be deleted. Most of this is presently available in other sources such as American Association of State Highway and Transportation Officials' "Guide on Evaluation and Attenuation of Traffic Noise" dated 1974. The remainder will be issued in nonregulatory directives easily updated.

The noise level criteria in Table 1 of the proposed revision are unchanged from those in the existing regulation (currently called design noise levels). One of the main purposes of the regulation is to help protect the public health and welfare. However, the noise impact criteria attempt to strike a balance between that which is most desirable for health and welfare (i.e., the levels identified in "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety" EPA Document No. 550/9-74-004), and that which is feasible and reasonable. Factors such as technical feasibility, the unique characteristics of highway-generated noise, cost, the overall public interest, and other program objectives as set forth in the various provisions of 23 U.S.C. 109 are all important elements in the standard-setting process used by FHWA in establishing these levels. The FHWA did not develop the noise criteria in this regulation for application in other land use planning situations. This must be recognized by those who attempt to use these criteria in situations other than the planning and design of highways.

While the proposed § 772.9 is considerably different from the existing § 772.11, no change in meaning or end result is intended. All reasonable and feasible abatement measures are currently required and would continue to be required under the proposed rule. One factor in determining reasonableness is cost. Adding the word "cost" to the existing "social, economic and environmental" phrase is meant to clarify but not change the meaning of the phrase.

Request for Additional Comments

Consultation with EPA pursuant to the Noise Control Act of 1972 has begun and will continue until a final regulation is promulgated. This consultation and the earlier comments received from others have raised three specific questions on which FHWA is soliciting additional comments at this time.

1. The use of dual descriptors, L_{10} and L_{eq} in the regulation, has created some concern. Both terms are defined in § 772.5 of the proposed regulation. The L_{eq} descriptor was added to Part 772 in 1976 for several reasons. The L_{eq} descriptor is more statistically reliable than L_{10} for low-volume roadways, is simpler in most instances for highway designers to work with, and is more flexible in terms of permitting noise levels from different sources to be included in the analysis of noise impact. However, it has been suggested that L_{eq} is difficult for lay people to understand. Since its addition to Part 772, most highway agencies have adopted the L_{eq} descriptor as their sole descriptor of highway noise. Pursuant to a suggestion by EPA and several State highway agencies, the FHWA solicits comments on whether the L_{10} descriptor should be deleted from this regulation.

2. It has been suggested that the procedures for coordination with local officials be changed by adding the following sentence:

"The FHWA encourages highway agencies to obtain an agreement from the local officials to control future development next to highways so that noise impacts are minimized."

The FHWA solicits comments on this suggested addition.

3. Proposed projects for noise abatement on existing highways (Type II projects) are eligible for Federal-aid funding under 23 U.S.C. 109(i). It has been suggested by EPA that each State highway agency requesting funds for Type II projects be required to prepare a plan that would identify highway noise impact areas and assign priorities for action. Further, it has been suggested that review and approval of such plans by the FHWA be required as a condition of funding and that progress in implementing the plans be published yearly. Comments on these suggestions are invited.

This NPRM is issued under the authority of 23 U.S.C. 101(e), 109(h), 109(i), 315; 42 U.S.C. 4331, 4332; and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the Department of Transportation's regulatory procedures. It is anticipated that the proposal would reduce the administrative burden on State highway agencies; however, because of variances in State programs, FHWA is unable to quantify these reductions at this time. In accordance with the above, it has been determined that a full regulatory evaluation is not required. Under the criteria of the Regulatory Flexibility Act, it is certified that the proposed action would not have a significant impact on a substantial number of small entities.

Issued on: November 24, 1981.

R. A. Barnhart,

Federal Highway Administrator.

It is, therefore, proposed to amend Chapter I of Title 23, Code of Federal Regulations, by revising Part 772 to read as follows:

PART 772—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

Sec.

772.1 Purpose.
772.3 Noise standards.
772.5 Definitions.
772.7 Applicability.
772.9 Analysis of traffic noise impacts and abatement measures.
772.11 Noise abatement.
772.13 Federal participation.
772.15 Information for local officials.
772.17 Traffic noise prediction.
772.19 Construction noise.
Table 1—Noise Abatement Criteria

Authority: 23 U.S.C. 109(h), 109(i); 42 U.S.C. 4331, 4332; 49 CFR 1.48(b).

§ 772.1 Purpose.

To provide procedures for noise studies and noise abatement measures to help protect the public health and welfare, to supply noise abatement criteria, and to establish requirements for information to be given to local officials for use in the planning and design of highways approved pursuant to title 23, United States Code (U.S.C.).

§ 772.3 Noise standards.

The highway traffic noise prediction requirements, noise analyses, noise abatement criteria, and requirements for informing local officials in this regulation constitute the noise standards mendated by 23 U.S.C. 109(i). All highway projects which are developed in conformance with this regulation shall be deemed to be in conformance with the Federal Highway Administration (FHWA) noise standards.

§ 772.5 Definitions.

(a) *Design year*—the future year used to estimate the probable traffic volume for which a highway is designed. A time 10 to 20 years from the start of construction is usually used.

(b) *Existing noise levels*—the noise, resulting from the natural and mechanical sources and human activity, considered to be usually present in a particular area.

(c) L_{10}—the sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration.

(d) $L_{10}(h)$—the hourly value of L_{10}.

(e) L_{eq}—the equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period.

(f) $L_{eq}(h)$—the hourly value of L_{eq}.

(g) *Traffic noise impacts*—impacts which occur when the predicted traffic noise levels approach or exceed the noise abatement criteria (Table 1), or when the predicted traffic noise levels substantially exceed the existing noise levels.

(h) *Type I projects*—a proposed Federal or Federal-aid highway project for the construction of a highway on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes.

(i) *Type II projects*—a proposed Federal or Federal-aid highway project for noise abatement on an existing highway.

§ 772.7 Applicability.

(a) *Type I projects.* This regulation applies to all Type I projects unless it is specifically indicated that a section applies only to Type II projects.

(b) *Type II projects.* The development and implementation of Type II projects are not mandatory requirements of 23 U.S.C. 109(i) and are, therefore, not required by this regulation. When Type II projects are proposed for Federal-aid highway participation at the option of the highway agency, the provisions of §§ 772.9(c), 772.13, and 772.19 of this regulation shall apply.

§ 772.9 Analysis of traffic noise impacts and abatement measures.

(a) The highway agency shall determine and analyze expected traffic noise impacts and alternative noise abatement measures to mitigate these impacts, giving weight to the benefits and cost of abatement, and to the overall social, economic and environmental effects.

(b) The traffic noise analysis shall include the following for each alternative under detailed study:

(1) Identification of existing activities, developed lands, and undeveloped lands for which development is planned, designed and programmed, which may be affected by noise from the highway;

(2) Prediction of traffic noise levels;

(3) Determination of existing noise levels;

(4) Determination of traffic noise impacts; and

(5) Examination and evaluation of alternative noise abatement measures for reducing or eliminating the noise impacts.

(c) Highway agencies proposing to use Federal-aid highway funds for Type II projects shall perform a noise analysis of sufficient scope to provide informaton needed to make the determination required by § 772.13(a) of this chapter.

§ 772.11 Noise abatement.

(a) In determining and abating traffic noise impacts, primary consideration is to be given to exterior areas. Abatement will usually be necessary only where frequent human use occurs and a lowered noise level would be of benefit.

(b) In those situations where there are no exterior activities to be affected by the traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, the interior criterion shall be used as the basis of determining noise impacts.

(c) If a noise impact is identified, the abatement measures listed in § 772.13(c) of this chapter must be considered.

(d) When noise abatement measures are being considered, every reasonable effort shall be made to obtain substantial noise reductions.

(e) Before adoption of a final environmental impact statement or finding of no significant impact, the highway agency shall identify:

(1) Noise abatement measures which are reasonable and feasible and which are likely to be incorporated in the project, and

(2) Noise impacts for which no apparent solution is available.

(f) The views of the impacted residents will be a major consideration in reaching a decision on the abatement measures to be provided.

(g) The plans and specifications will not be approved by FHWA unless those noise abatement measures which are reasonable and feasible are incorporated into the plans and specifications to reduce or eliminate the noise impact on existing activities, developed lands, or undeveloped lands for which development is planned, designed, and programmed.

§ 772.13 Federal participation.

(a) Federal funds may be used for noise abatement measures where:

(1) A traffic noise impact has been identified,

(2) The noise abatement measures will reduce the traffic noise impact, and

(3) The overall noise abatement benefits are determined to outweigh the overall adverse social, economic, and environmental effects and the costs of the noise abatement measures.

(b) For Type II projects, noise abatement measures will not normally be approved for those activities and land uses which come into existence after May 14, 1976. However, noise abatement measures may be approved for activities and land uses which come into existence after May 14, 1976, provided local authorities have taken measures to exercise land use control over the remaining undeveloped lands adjacent to highways in the local jurisdiction to prevent further development of incompatible activities.

(c) The noise abatement measures listed below may be incorporated in Type I and Type II projects to reduce traffic noise impacts. The costs of such measures may be included in Federal-aid participating project costs with the Federal share being the same as that for the system on which the project is located:

(1) Traffic management measures (e.g., traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations).

(2) Alteration of horizontal and vertical alignments.

(3) Acquisition of property rights (either in fee or lesser interest) for construction of noise barriers.

(4) Construction of noise barriers (including landscaping for esthetic purposes) whether within or outside the highway right-of-way.

(5) Acquisition of real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise.

(6) Noise insulation of public use or nonprofit institutional structures.

(d) There may be situations where (1) severe traffic noise impacts exist or are expected, and (2) the abatement measures listed above are physically infeasible or economically unreasonable. In these instances, noise abatement measures other than those listed in paragraph (c) of this section may be proposed for Types I and II projects by the highway agency and approved by the Regional Federal Highway Administrator on a case-by-case basis when the conditions of paragraph (a) of this section have been met.

§ 772.15 Information for local officials.

In an effort to prevent future traffic noise impacts on undeveloped lands, highway agencies shall inform local officials within whose jurisdiction the highway project is located of the following:

(a) The best estimation of future noise levels (for various distances from the highway improvement) for both developed and undeveloped lands or properties in the immediate vicinity of the project,

(b) Information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels, and

(c) Eligibility for Federal-aid participation for Type II projects as described in § 772.13(b) of this chapter.

§ 772.17 Traffic noise prediction.

(a) Any traffic noise prediction method is approved for use in any noise analysis required by this regulation if it meets the following two conditions:

(1) The methodology is consistent with the methodology in the FHWA Highway Traffic Noise Prediction Model (Report No. FHWA–RD–77–108).[1]

(2) The prediction method uses noise emission levels obtained from one of the following:

(i) National Reference Energy Mean Emission Levels as a Function of Speed (Federal-Aid Highway Program Manual, Volume 7, Chapter 7, Section 3, Attachment 1).[1]

(ii) Determination of Reference Energy Mean Emission Levels, Report No. FHWA–OEP/HEV–78–1.[1]

(b) In predicting noise levels and assessing noise impacts, traffic characteristics which will yield the worst hourly traffic noise impact on a regular basis for the design year shall be used.

§ 772.19 Construction noise.

The following general steps are to be performed for all Types I and II projects:

(a) Identify land uses or activities which may be affected by noise from construction of the project. The identification is to be performed during the project development studies.

(b) Determine the measures which are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. This determination shall include a weighing of the benefits achieved and the overall adverse social, economic and environmental effects and the costs of the abatement measures.

(c) Incorporate the needed abatement measures in the plans and specifications.

[1] These documents are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

TABLE 1.—NOISE ABATEMENT CRITERIA HOURLY A-WEIGHTED SOUND LEVEL—DECIBELS (dBA)[1]

Activity category	$L_{eq}(h)$	$L_{10}(h)$	Description of activity category
A	57 (Exterior)	60 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67 (Exterior)	70 (Exterior)	Picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72 (Exterior)	75 (Exterior)	Developed lands, properties, or activities not included in Categories A or B above.
D			Undeveloped lands.
E	52 (Interior)	55 (Interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

[1] Either $L_{eq}(h)$ or $L_{10}(h)$ (but not both) may be used on a project.

[FR Doc. 81-34791 Filed 12-4-81; 8:45 am]
BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 87

[CGD 81-007]

Inland Navigation Rules Annex IV—Distress Signals; Public Hearing

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking—public hearing.

SUMMARY: A public hearing will be held on the proposed Annex IV (Distress Signals) to the Inland Navigation Rules. The proposed rule was published on July 16, 1981 at 46 FR 37010–37012. A commenter requested that a public hearing be held to allow a more detailed presentation of his and other views on the issue of strobe lights as a distress signal. The Coast Guard believes that the opportunity to make oral presentations on the strobe light issue will be beneficial to this rulemaking.

DATE: The public hearing will be held on January 6, 1982, at 9:30 a.m.

ADDRESS: The public hearing will be held at Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, in Room 3201.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Llana, Project Manager, Office of Navigation, Room 1606, U.S. Coast Guard Headquarters, 2100 Second Street S.W., Washington, DC 20593, (202) 426–4958.

SUPPLEMENTARY INFORMATION: On July 16, 1981, the Coast Guard proposed regulations designating signals to be used exclusively for indicating distress and need of assistance on United States inland waters. No public hearing was scheduled at that time, but the notice stated that one may be held at a time and place set in a subsequent notice if written requests for a hearing were received and it was determined that the opportunity to make oral presentations would be beneficial to the rulemaking.

A request for a public hearing was received from the Pyrotechnic Signal Manufacturers Association, Inc. to permit them to present in greater detail their position against the designation of high intensity flashing white lights (commonly called strobe lights) as a signal to indicate distress and need of assistance. As many of the issues involving the use of strobe lights remain unsettled, the Coast Guard feels a public hearing would benefit the rulemaking.

Dated: December 1, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 81-35021 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD5 81-09R]

Drawbridge Operation Regulations; Anacostia River, District of Columbia

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the District of Columbia Department of Transportation, the Coast Guard will consider amending the regulations governing operation of the Frederick Douglas drawbridge on South Capitol Street across the Anacostia River, mile 1.2, at Washington, DC to require an advance notice for all draw openings. This proposal is being made because the current volume of vessel traffic passing through the bridge does not appear sufficient to warrant constant attendance by a bridge tender. It also is proposed to add a new provision to allow the bridge to remain closed to vessel traffic on every Presidential Inauguration Day in order to prevent vehicular traffic congestion at the bridge on that day. This action is intended to accommodate the needs of vehicular traffic while providing for the reasonable needs of navigation.

DATE: Comments must be received on or before January 7, 1982.

ADDRESSES: Comments should be mailed to Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. The comments and any materials referenced in this notice will be available for inspection or copying at the Office of Chief, Aids to Navigation Branch, Room 609, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Specialist, Aids to Navigation Branch, Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 (804–398–6222).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify this proposed rule by Docket Number or bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The rule may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that an opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal person involved in drafting this proposal is: Ann B. Deaton, Project Manager, Fifth Coast Guard District, Aids to Navigation Branch.

Discussion of Proposed Rule

The District of Columbia Department of Transportation, owner of this bridge, has requested a change to the existing regulation for the bridge which requires the bridge to be opened on signal except for restricted openings during morning and evening rush hours. They indicated the draw has been required to be opened infrequently for vessel traffic in recent years, and it has not been cost effective for them to maintain an operator in constant attendance when the need for one does not exist. They provided records which show the draw was opened 60 times for vessel traffic during 1979 and 74 times during an 11-month period in 1980. Most of this traffic consisted of military craft. The Navy Diving School, which frequently required opening of the draw in the past, has since relocated away from the area, thus reducing the number of openings. The Washington Navy Yard, located upstream of the bridge, is visited by U.S. and foreign flagships and other visiting dignitaries, occasionally requiring opening of the bridge. At times, Coast Guard and Army vessels require the bridge to be opened. However, these openings are not considered to be frequent enough to justify constant operator attendance. There is very little use of this bridge by recreational or commercial water traffic at this time, although there are plans to develop waterfront property above the bridge for such uses in the future.

Based on these findings, the Coast Guard proposes to amend the regulation to require a 24-hour advance notice for all draw openings year round. It appears that this proposed change may be made without unduly restricting existing water traffic volumes while at the same time relieving the bridge owner of the responsibility of providing constant operator attendance at the bridge. Also, a proposed new provision to allow the bridge to remain closed to vessel traffic on every Presidential Inauguration Day is being considered because the Coast Guard traditionally has approved the District of Columbia's request for such closure in order to prevent vehicular traffic congestion at the bridge on this day. The current provision in § 117.330(c) that the draw will remain closed to navigation on certain other occasions to permit uninterrupted passage of dignitaries across the bridge will be retained, although editorial changes to this provision have been made.

There are no known businesses that will be significantly impacted by the proposed change. Since most water traffic consists of military craft and visiting U.S. and foreign ships who plan their trips according to an arranged schedule, it is felt that these may plan their trips around the advance notice opening requirement, thus avoiding any inconvenience or expense resulting from

fuel consumption often encountered during unexpected delays. The District of Columbia, Department of Transportation, will be beneficially affected from an economic standpoint since they will be relieved of the responsibility of providing a salaried operator on a continuous basis.

Evaluation

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, their impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Proposed Regulation

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations is proposed to be amended as follows.

In 33 CFR 117.330, paragraph (c) is revised to read as follows:

§ 117.330 Anacostia River, Washington, D.C.; bridges.

* * * * *

(c) *District of Columbia: South Capitol Street (Frederick Douglass) Bridge.* (1) The draw shall be opened for the passage of vessel traffic if at least 24-hour's advance notice has been given to the District of Columbia Department of Transportation.

(2) Requests for draw openings that coincide with the prearranged passage of dignitaries across the bridge will be scheduled so as not to interfere with the dignitaries' crossing.

(3) The bridge shall remain closed all day on every Presidential Inauguration Day.

(4) A copy of the regulations in this section with a telephone number where the bridge owner can be reached shall be posted on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 937, as amended (49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: October 13, 1981.

John D. Costello,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 81-35027 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 776

Library Career Training Program (Title II-B HEA)

Correction

In FR Doc. 81-31203, at page 53362, in the issue of Wednesday, October 28, 1981, make the following corrections:

(1) On page 53366, third column, § 776.33(h)(2), line 2, correct the word "interest" to read "interests".

(2) On page 53367, first column, § 776.41, change the figure in paragraph (a)(3), line 3, from "$3500" to "$5200" and in the introductory text of paragraph (b), line 2, change "stepends" to "stipends".

(3) On page 53367, first column, § 776.42, correct the paragraph now reading (b)(2) to read (b)(1) and the paragraph now reading (b)(1) to read (b)(2). Also correct the new (b)(2), line 1, by changing "post-baccalaureate" to read "pre-baccalaureate".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-819; RM-3839]

FM Broadcast Stations in Colorado Springs, Denver, Evergreen, Lamar, Monte Vista, and Pueblo, Colo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes two optional assignment plans for the use of Channel 243 at either Evergreen or Denver, Colorado, and the substitution of channels in four other Colorado communities to accomodate the proposals. Stations on two occupied channels are directed to show cause why their license should not be modified to specify operation on a proposed substitute channel. The assignment could provide a first local aural service to Evergreen or a tenth FM channel for Denver.

DATES: Comments must be filed on or before January 17, 1982, and reply comments on or before February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 18, 1981.

Released: December 3, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Colorado Springs, Denver, Evergreen, Lamar, Monte Vista, and Pueblo, Colorado); Proposed rulemaking and orders to show cause.

1. A petition for rulemaking[1] was filed by Carolyn Gaspard and Penny Eilersen, d.b.a. Gaspard and Eilersen ("petitioner"), proposing the assignment of Class C FM Channel 243 to Evergreen, Colorado, as that community's first FM allocation. The requested assignment would required a substitution of channels for two occupied and two unused channels in order to comply with the minimum mileage separation requirements of § 73.207 of the Commission's Rules. The required changes in the affected Colorado communities are as follows: Channel 251 for 243 (Station KKFM) at Colorado Springs; Channel 245 for 250 (Station KCCY) at Pueblo; Channel 237A for vacant 244A at Monte Vista; and Channel 289 for vacant 245 at Lamar. Oppositions were filed by Kennebec-Colorado Broadcasting Corporation ("Kennebec"), licensee of Station KCCY (Channel 250) at Pueblo, Colorado, and KSID, Inc. ("KSID"), licensee of Station KSID-FM, Sidney, Nebraska,[2] to which the petitioner responded.

2. Evergreen (population 2,321),[3] in Jefferson County (population 233,031), is located approximately 24 kilometers (15 miles) southwest of Denver. It presently has no local service.

3. Petitioner states that Evergreen is a mountain community located within the foothills of Colorado's Front Range. It asserts that the area is growing at a substantial rate, indicating a 1980 U.S. Census of 6,393 persons and 23,000 inhabitants within a five mile radius thereof. Further it adds that the present means of providing information to the

[1] Public Notice of the petition was given February 23, 1981, Report No. 1270.

[2] KSID's opposition stems from its mutually exclusive proposal to add Channel 243 to Sidney, Nebraska (BC Docket No. 81-573). However, a staff study indicates that another channel can be assigned to Sidney, thus permitting that proposal to proceed independently of the instant proceeding and mooting its arguments in regard to this case.

[3] Population figures herein are extracted from the 1970 U.S. Census, unless otherwise indicated.

community is through the two local newspapers which are published twice a week. Coverage of matters of interest to Evergreen residents are not provided by Denver stations and the community needs a means of providing public safety information (stemming from a combination of stated potential area hazards), to its residents. In support of its proposal, petitioner included a market profile which reveals, among other things, the expanding economic and population base of Evergreen. Petitioner adds that, although Evergreen is located within 15 miles of Denver, it has separate needs and interests and that it would apply for a Class A channel if one were available.

4. Petitioner's proposal to assign Channel 243 to Evergreen would require a change in four assignments, and petitioner states it would reimburse the two affected stations for channel changes. Assignment of Channel 243 to Evergreen will cause preclusion to occur on Channel 242 within 150 miles, Channel 243 within 180 miles, and on Channel 244A within 105 miles. In addition, petitioner shows the areas already precluded by the channels to be deleted. The newly precluded areas contain seven communities having a population in excess of 1,500 persons. Five of these have assignments[4] and the remaining two have channels available.[5]

5. In opposition comments, Kennebec states that it has expended considerable time and money in promoting its existing location on the FM dial which would be lost if the assignment is made as proposed. Additionally, it states its concern that its audience may be reluctant to accept a change which might appear "quixotic" on its part, in view of its recent promotional campaign. Further, it states its belief that the subject proposal is an effort to add another station to Denver, and that if Evergreen is to have local service, it should be assigned a Class A channel, due to its size.

6. KSID submitted a lengthy opposition to the assignment of a Class C channel to Evergreen. However, since its interest was directed to obtaining a channel for Sidney, Nebraska, and such a proposal can be accommodated separately from this case (see footnote 2, *supra*), we have not elaborated on its arguments. If KSID wishes to pursue its opposition it may do so in response to this *Notice of Proposed Rule Making*.

7. In response to the Kennebec opposition, petitioner states that opponent's belief regarding service to Denver is misplaced and reiterates that it would have applied for a Class A if any had been assignable. It states that if Evergreen is to have a station, Channel 243 is the only available one.

8. In support of its proposal to assign Class C FM Channel 243 to Evergreen, Colorado, as a first local service, petitioner should provide a *Roanoke Rapids/Anamosa* study to indicate the amount of first and second service that would be provided to surrounding areas and populations by the instant proposal. See, *Roanoke Rapids, North Carolina*, 9 FCC 2d 672 (1967); *Anamosa, Iowa*, 46 FCC 2d 520 (1975). Without such a showing we would assume that no first or second service would be provided in view of the nine Denver Class C stations nearby. This proposal would also require a transmitter site restriction of 9.6 kilometers (6 miles) southeast of Evergreen to avoid shortspacing to Station KSBT(FM) (Channel 244A) in Steamboat Springs, Colorado.

9. As an alternative to the Evergreen proposal, we also propose to assign Class C Channel 243 to the larger city of Denver, which could be applied for at Evergreen under the 15-mile rule, § 73.203(b) of the Commission's Rules. This option is proposed generally in such cases where the community requested is not considered large enough to warrant a Class C assignment without a special showing of need and the community is close enough to the larger city to fall within § 73.203(b). See *Albuquerque and Alameda, New Mexico*, 48 RR 2d 1327 (1981), and *Anchorage and Eagle River, Alaska*, 50 RR 2d 215 (1981). We are adding this proposal because we are concerned that a high powered station allocated to Evergreen would inevitably seek to attract advertising from Denver and thereby serve the Denver market. If petitioner desires to serve Evergreen, it could do so with a Class A station. Although petitioner is correct that no Class A channel is available on a drop-in basis, a Class A channel could nevertheless be assigned to Evergreen with less substitutions than are involved here. We shall not propose a Class A channel here since petitioner may not be willing to reimburse other stations for a Class A assignment to Evergreen.

10. Denver (popluation 491,396) of which Denver County is comprised, is presently assigned 9 FM channels but could qualify for an additional allocation under the Commission's population guidelines. This proposed option to make the assignment available at Denver would also require the two permittees (Stations KKFM and KCCY) to change frequencies to accommodate the proposal. Therefore, we shall give consideration to comments directed toward these alternate assignment proposals.

11. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Option I		
Colorado Springs, Colorado.	243	251.
Evergreen, Colorado		243.
Lamar, Colorado	245	289.
Monte Vista, Colorado	244A	237A.
Pueblo, Colorado	250	245,Q03
Option II		
Colorado Springs, Colorado.	243	251.
Denver, Colorado	239,253, 258, 262, 266, 278, 288, 290, 294	239, 243, 253, 258, 262, 266, 278, 286, 290, 294.
Lamar, Colorado	245	289.
Monte Vista, Colorado	244A	237A.
Pueblo, Colorado	250	245.

12. It is ordered, that, pursuant to Section 316 of the Communications Act of 1934, as amended, Sky Hi, Inc., licensee of radio Station KKFM–FM at Colorado Springs, Colorado, shall show cause why its license for Station KKFM-FM (Channel 243) should not be modified to specify operation on Channel 251 in lieu of Channel 243 at Colorado Springs, Colorado.

13. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station KKFM–FM may, not later than January 17, 1982, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f) if the right to request a hearing is waived, Sky Hi, Inc. may, not later than January 17, 1982, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Sky Hi, Inc. to furnish additional information, designate the matter for hearing, or issue without further proceeding an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Sky Hi, Inc. is deemed to consent to the modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission if the

[4] The five communities with their assignments are Sidney, Nebraska (Channel 237A); Kimball, Nebraska (Channel 261A); Brush, Colorado (Channel 296A); Wheatland, Wyoming (Channel 269A); and Aspen, Colorado (Channel 249A).

[5] The two communities are Gering, Nebraska, and Holyoke, Colorado. Channel 244A is available for assignment to either place, according to petitioner.

channel changes referred to in paragraph 11 above are found to be in the public interest.

14. It is further ordered, that, pursuant to Section 316 of the Communications Act of 1934, as amended, Kennebec-Colorado Broadcasting Corporation, licensee of Radio Station KCCY–FM, Pueblo, Colorado, shall show cause why its license for Station KCCY–FM (Channel 250), should not be modified to specify operation on Channel 245 in lieu of Channel 250 at Pueblo, Colorado.

15. Pursuant to § 1.87 of the Commission's Rules and Regulations, the licensee of Station KCCY–FM may, not later than January 17, 1982, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Kennebec-Colorado Broadcasting Corporation may, not later than January 17, 1982, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Kennebec-Colorado Broadcasting Corporation to furnish additional information, designate the matter for hearing, or issue without further proceedings an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Kennebec-Colorado Broadcasting Corporation is deemed to consent to the modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission if the channel changes referred to in paragraph 11 above are found to be in the public interest.

16. It is further ordered, That the Secretary of the Commission shall send a copy of this *Order* by Certified Mail, return receipt requested, to Sky-Hi, Inc., Radio Station KKFM–FM, 225 South Academy Boulevard, Colorado Springs, Colorado 80910, and Kennebec-Colorado Broadcasting Corporation, Radio Station KCCY–FM, c/o 315 8th Street, Pueblo, Colorado 81003, the parties to whom the *Orders to Show Cause* are directed.

17. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference haerin.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

18. Interested parties may file comments on or before January 17, 1982, and reply comments on or before February 1, 1982.

19. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

20. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assigments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, 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 § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 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 comments. The proponent of a proposed assignment 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 a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off 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 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 the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 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 § 1.40 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 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. 81-34942 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-818; RM-3960]

FM Broadcast Station in Naples, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Channel 276A for Channel 249A at Naples, Florida, in response to a petition filed by WRMF, Inc., licensee of Station WRMF (FM), West Palm Beach, Florida. The proposed substitutions would enable WRMF to improve its facilities through a relocation of its transmitter site. In addition, Channel 221A is substituted for Channel 276A at Marco, Florida, as the channel to be considered in BC Docket 81–487.

DATES: Comments must be filed on or before January 17, 1982, and reply

comments must be filed on or before February 1, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:.

Adopted: November 19, 1981.

Released: December 2, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Naples, Florida); BC Docket No. 81-818, RM-3960; notice of proposed rule making and order to show cause.

1. Before the Commission is a petition for rule making,[1] filed by WRMF, Inc. ("WRMF"), licensee of Station WRMF (FM) (Channel 250), West Palm Beach, Florida, proposing to substitute Channel 276A for Channel 249A at Naples, Florida. Opposing comments thereto were filed by Sunshine Broadcasting, Inc., petitioner for an FM assignment to Marco, Florida, to which WRMF responded.[2]

2. Naples (population 17,581),[3] in Collier County (population 85,791), is located on the southwest coast of Florida, approximately 160 kilometers (100 miles) west of Miami, Florida. It is served locally by fulltime AM Station WNOG and FM Stations WCVU (Channel 233), WSGL (Channel 249A), WRGI (Channel 228A). Channel 288A is unoccupied with an application pending. We have determined, in response to WRMF's suggestion, that Channel 221A is available at Marco. We shall therefore substitute that channel for consideration in BC Docket 81-487 and we shall notify the parties by mail. If the Channel 221A proposal is unsatisfactory, the Marco proponent may file a counter proposal to this *Notice*.

3. WRMF seeks to substitute Channel 276A for Channel 249A at Naples, Florida, to enable it to relocate the transmitter of its Station WRMF (FM) (Channel 250), to a site which, at present, would be short-spaced to the operation of Station WSGL (FM) on Channel 249A. It states that the requested channel subsitution would accommodate its proposed technical improvements by elimination of the short-spacing, and thus enable it to provide an increase in its 60 dBu coverage from an area encompassing 1,595 square miles to one covering 4,080 square miles, serving 864,617 persons with new listening diversity.

4. WRMF states that assignment of Channel 276A at Naples would preclude its use in an area of 1,350 square miles, which, according to petitioner, is principally comprised of uninhabited swampland known as "The Everglades," but indicates that alternate Channels 280A and 261A are available to the more populated communities of Everglades City (Channel 280A), and Marco (Channel 221A), which lie within this area. However, WRMF has neglected to provide information regarding the adjacent channel preclusion impact of the proposed assignment of Channel 276A to Naples, and should do so in its comments. Finally, WRMF adds that it will reimburse Station WSGL for its reasonable costs incurred in effectuating the proposed channel substitutions.

5. As indicated in fn. 1 *supra*, the pending petition (BC Docket 81-487) to assign Channel 276A to Marco, Florida, is mutually exclusive with the Naples proposal (RM-3960). A staff engineering study reveals that Channel 276A is the only "drop-in" channel available for assignment to Naples. However, Channel 221A, with a site restriction of 2.6 miles southwest of the community, is available to Marco. Also, Channel 249A, with a site restriction of 3.7 miles west, is available to Marco if deleted at Naples. Of the two choices, we have selected Channel 221A as the most efficient and effective usage of the frequency spectrum since it would permit the transmitter site to be located close to the community. Also, Channnel 221A at Marco would preclude only the use of the co-channel in a very small area (22 square miles), and the only affected community is Everglades City, with a population considerably less than 1,000 persons.

6. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Naples, Florida	228A, 233, 249A, 288A.	228A, 233, 276A, 288A.

7. It is ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, Sterling Communications Corp., licensee of Station WSGL(FM), at Naples, Florida, shall show cause why its license should not be modified to specify operation on Channel 276A as proposed herein instead of the present Channel 249A.

8. Pursuant to § 1.87 of the Commission's Rules, Sterling Communications Corp ("Sterling") may, not later than January 12, 1982, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Sterling may, not later than January 17, 1982, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Sterling to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an Order modifying the license as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Sterling will be deemed to have consented to the modifications as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the above-mentioned channel modification is ultimately found to be in the public interest.

9. It is further ordered, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this *Order* to: Sterling Communications Corp., c/o P.O. Box 1874, Tallahassee, Florida 32302, and to its counsel, Herbert M. Schulkind, Esq., Fly, Shuebruk, Gaguine, Boros, Schulkind and Braun, 1211 Connecticut Avenue, N.W., Washington, D.C. 20036, and also to the parties to BC Docket 81-4897, Sunshine Broadcasting, Inc., c/o Peter Tannenwald, Arent, Fox, Kintner, Plotkin and Kahn, 1815 H Street, NW., Washington, D.C. 20006, and Collier Broadcasting Company, c/o James A. Koerner, Baraff, Koerner and Olender, P.C., 2033 M Street, NW. Suite 203, Washington, D.C. 20036.

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference 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 January 17, 1982, and reply comments on or before February 1, 1982.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules.

[1] *Public Notice* of this petition was given August 17, 1981, Report No. 1305.

[2] Channel 276A was proposed for assignment to Marco in BC Docket 81-487. That proposal conflicts with the present proposal to assign Channel 276A to Naples.

[3] Population data are extracted from the 1980 U.S. Census.

See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, 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 § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 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 comments. The proponent of a proposed assignment 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 a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off 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 the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 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 § 1420 (a), (b) and (c) of the Commission's 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. 81-34941 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-813; RM-3971]

FM Broadcast Station in Great Falls, Montana; Proposed Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM Channel 291 for Channel 292A at Great Falls, Montana, and modification of the Class A license for Station KOOZ (FM), in response to a petition filed by Sun River Broadcasting, Inc. The assignment could provide Great Falls with a fourth Class C FM station.

DATES: Comments must be filed on or before January 4, 1982, reply comments must be filed on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: .

Adopted: November 12, 1981.

Released: November 20, 1981.

By the Acting Chief, Policy and Rules Division.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Great Falls, Montana); BC Docket No. 81-813, RM-3971; notice of proposed rule making.

1. The Commission herein considers a petition for rule making [1] filed by Sun River Broadcasting, Inc. ("petitioner"), licensee of FM Station KOOZ (Channel 292A), Great Falls, Montana, which seeks to substitute Class C FM Channel 291 for Channel 292A, and to modify its license to specify operation on the Class C channel. No oppositions to the proposal were received. Channel 291 can be assigned to Great Falls consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. Great Falls (population 56,725),[2] the seat of Cascade County (population 80,696), is located approximately 112 kilometers (70 miles) north of Helena, Montana. It is served by four full-time AM stations (KARR, KEIN, KMON and KQDI); FM Stations KNUW (Channel 233), KAAK (Channel 255), and KOOZ (Channel 225 with maximum power of 100 kW.

3. Petitioner states that its request is founded on the necessity to eliminate an existing intermixture situation in the Great Falls area. It adds that such intermixture stems from the initial allocations plan for Great Falls, whereby the Commission allocated four channels to the community, three of which were Class C channels and the remaining, a Class A channel. Petitioner states that at that time, it was the only operational FM station in Great Falls, operating with Class A facilities. It adds that since those alloted Class C channels have become operational during the past decade, it now finds the substitution necessary to enable its station to become technically competitive with the higher-powered stations.

4. Petitioner's engineering study reveals that assignment of Channel 291 to Great Falls will cause preclusion to occur on Channels 288A, 290, 291, and 292A. This study takes into consideration petitioner's present Channel 292A allocation in Great Falls. In this regard, it states that most of the precluded area is already precluded by its existing operation. Petitioner listed those communities containing over 1,000

[1] *Public Notice* of the petition was given September 9, 1981, Report No. 1308.

[2] Population figures are extracted from the 1980 U.S. Census.

persons which would sustain preclusion as a result of the proposed assignment. It also indicates that numerous channels are available for assignment to the precluded communities. Although we did not undertake an in-depth engineering analysis to verify this assertion, we would agree that, considering the remoteness of the area, it is probable that alternate channels are indeed available.

5. The engineering study also reveals that, in employing reasonable facilities to reflect the extent of FM service in the area, the location of the existing transmitters are in such close proximity to each other that the coverage pattern of the present Class C stations and the proposal herein are essentially the same. Further, petitioner asserts that the coverage area of its proposed station with the nighttime AM facilities of the area indicate there are no white or grey areas.

6. In addition to eliminating the present undesirable intermixture in Great Falls, we find the proposal has merit since no other city of comparable size would be precluded by this assignment. In view of the above considerations, we find that petitioner has demonstrated a need for the proposed assignment at Great Falls and shall propose to amend the Table of Assignments as requested.

7. Currently, no other expression of interest in the proposed Class C channel at Great Falls has been received. Accordingly, we will propose to modify the license of Station KOOZ, as requested by petitioner, to specify operation on Channel 291. However, in conformity with Commission precedent, as express in *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), should another interest in the assignment be shown, the proposed modification could not be made and the channel, if assigned, would be open to competing applications.

8. An *Order to Show Cause* to the petitioner is not required since consent to the modification of its license is indicated by its request for the Class C channel.

9. Canadian concurrence in this assignment is required since Great Falls is located within 402 kilometers (250 miles) of the U.S.-Canadian border.

10. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Great Falls, Montana, as follows:

City	Channel No.	
	Present	Proposed
Great Falls, Montana	225, 233, 255, 292A.	225, 233, 255, 291.

11. The Commission's authority to institute rulemaking proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

12. Interested parties may file comments on or before January 4, 1982 and reply comments on or before January 19, 1982.

13. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rulemaking proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rulemaking to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

14. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082 (47 U.S.C. 154, 303))

Federal Communication Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, 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 § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 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 comments. The proponent of a proposed assignment 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 a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off 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 the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 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's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 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. 81-34943 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-776; RM-3958]

FM Broadcast Stations in Gallup, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C Channel 256 to Gallup, New Mexico, in response to a petition filed by John R. Catsis. The proposed assignment could provide for a third FM station at Gallup.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 24, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Gallup, New Mexico); BC Docket No. 81-776, RM-3958; notice of proposed rule making.

1. A petition for rule making [1] was filed by John R. Catsis ("petitioner"), requesting the assignment of a Class C FM channel to Gallup, New Mexico,[2] as its third FM assignment. Supporting comments were filed by the petitioner stating his intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Gallup (population 18,161),[3] seat of McKinley County (population 54,950), is located approximately 192 kilometers (120 miles) west of Allbuquerque, New Mexico. It is served locally by two fulltime AM stations (KGAK and KYVA), and two FM stations (KQNM and KOVO). The AM and FM stations are co-owned.

3. The petitioner states that Gallup is the largest community in the county, and it experienced a growth in population of approximately 24 percent from 1970 (14,596) to 1980 (18,206).[4] According to the petitioner, the economy is based on retail and wholesale trade, petroleum refining, coal and uranium mining, light manufacturing and tourism. Petitioner contends that, based on Gallup's present population and anticipated future growth, an additional (independent) station is needed to meet the community's needs for expanded communications facilities. Petitioner emphasizes the need for a station with a varied format.

4. The study submitted by the petitioner indicates that all seven channels will be affected as a result of the proposed assignment. However, numerous other channels are said to be available throughout the precluded area.

5. The proposed assignment exceeds the Commission's population guidelines for a third allocation, as cities the size of Gallup (under 50,000) are generally limited to two FM assignments. However, assignments in excess of the guidelines have been made when the preclusion impact of the assignment is considered to be minimal. As noted in the preceding paragraph, there appear to be several channels available for assignment to the precluded communities, therefore the population guidelines do not appear to be an obstacle to the proposal to assign Channel 256 to Gallup.

6. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the community listed, as follows:

City	Channel No.	
	Present	Proposed
Gallup, N. Mex.	229, 233	229, 233, 256

7. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

9. The Commission has determined that the relevant provisions of the Regualtory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082 (47 U.S.C. 154, 303.))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division 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 § 0.281(b)(6) of the Commission's Rules, It Is Proposed To Amend the FM Table of Assignments, § 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 comments. The proponents of a proposed assignment 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 a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off 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 the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial

[1] Public Notice of the petition was given on August 7, 1981, Report No. 1303.

[2] The petition as filed requested Channel 260. That proposal conflicted with the proposals to assign Channel 260 to Thoreau, New Mexico (RM-3897), and Channel 259 to Springerville-Eagar, Arizona (RM-3943). We have substituted Channel 256 for consideration here.

[3] Population figures are taken from the 1980 U.S. Census.

[4] Estimates from Gallup-McKinley County Chamber of Commerce, based on U.S. Census tabulations.

comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 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's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 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. 81-34838 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR—Part 73

[BC Docket No. 81-779; RM-3870]

FM Broadcast Station Abilene, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 232A to Abilene, Texas, as its fifth commercial FM channel in response to a request from Salvador M. Ybarra.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 25, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Abilene, Texas); BC Docket No. 81-779, RM-3870; notice of proposed rule making.

1. *Petitioner, Proposal, Comments.* (a) A petition for rule making was filed by Salvador M. Ybarra ("petitioner") proposing the assignment of FM Channel 232A to Abilene, Texas, as its fifth commercial channel assignemnt.[1]

(b) The proposed channel can be assigned to Abilene in compliance with the mileage separation requirements of Section 73.207 of the Commission's Rules provided a site is selected at least 5.3 miles northwest of Abilene to avoid short-spacing to Station KEAN (Channel 286), Abilene.

(c) Petitioner states it will apply for the channel if assigned. No oppositions have been received.

2. *Demographic Data.* (a) Location: Abilene, seat of Taylor County, is located approximately 232 kilometers (145 miles) west of Fort Worth, Texas. The boundary of Abilene also extends into Jones County.

(b) Population: Abilene—98,315;[2] Taylor County—110,932; Jones County—17,268.

(c) Present aural service: 2 daytime-only AM stations (KBER, KEAN); 2 fulltime AM stations (KRBC, KWKC); 3 commercial FM stations (KORQ (Channel 264), KEAN-FM (Channel 286), KFMN (Channel 300)), a fourth commercial FM channel (257A) has two applications pending; and one noncommercial educational FM station (KGNZ (Channel 201C)).

3. Petitioner states in support of his request for a fifth FM channel that he intends to provide the first minority owned station in Abilene designed to serve its Spanish-speaking community. He states that the total Spanish population of the Abilene area was 11,257, as of September 1, 1977. Additional information concerning Abilene's recent growth was also submitted. Petitioner supplemented his comments by submitting letters from various local institutions in support of the request.

4. The preclusive effect of this proposal is not known and petitioner, as a minority, requests waiver of this requirement in order to conserve its financial resources. We have on our own analyzed the preclusive impact and find that the following communities of over 1,000 population and without local aural service are affected: *Texas*—Roscoe (1980 population 1,628); Clyde (1980 population 2,562); Hamlin (1980 population 3,248); Anson (1980 population 3,831). Our study shows at least one Class A channel is available at each of the precluded communities.

5. As previously indicated a site restriction of 5.3 miles northwest is necessary to meet the spacing restrictions. Petitioner proposed a site approximately 6.9 miles northwest of Abilene. Since the community covers a large land area, petitioner will need to demonstrate 70 dBu coverage to the entire community with the filing of its application, should the channel be assigned, as proposed.

6. In view of the above, the Commission proposes to amend § 73.202(b) of the Commission's Rules, the FM Table of Assignments, with regard to the following community:

City	Channel No.	
	Present	Proposed
Abilene, Texas	257A, 264, 286, 300	232A, 257A, 264, 286, 300

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.*

10. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a

[1] Public Notice of the petition was given on April 7, 1981, Report No. 1279.

[2] Population data are taken from the 1980 U.S. Census.

message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, 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 § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 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 comments. The proponent of a proposed assignment 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 a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off 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 the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filng initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable precedures set out in §§ 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's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 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. 81-34940 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-777; RM-3856]

FM Broadcast Stations in Big Pine Key, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the substitution of Class C FM Channel 284 for Channel 228A at Big Pine Key, Florida, and modification of the Class A license for Station WWUS(FM), accordingly, in response to a petition filed by Lower Keys Broadcasting Corporation.

DATES: Comments must be filed on or before January 4, 1982, and reply comments on or before January 19, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1981.

Released: November 25, 1981.

By the Acting Chief, Policy and Rules Division:

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Big Pine Key, Florida); BC Docket No. 81-777, RM-3856; *Notice of Proposed Rule Making.*

1. The Commission herein considers a petition for rule making [1] filed by Lower Keys Broadcasting Corporation ("petitioner"), licensee of Station WWUS(FM), Big Pine Key, Florida, which seeks to substitute Class C FM Channel 284 for Channel 228A at Big Pine Key, and modify its license for Channel 228A to specify operation on the Class C channel. Petitioner stated that it will apply for the Class C channel, if assigned. Comments opposing the proposal were filed by Florida Keys Broadcasting Corporation, licensee of Stations WKIZ(AM) and WFYN(FM), Key West, Florida, to which petitioner responded.

2. Petitioner argues in support of its request that Big Pine Key, while showing recent growth, remains isolated from population centers. A higher powered station could serve nearly all of the Lower Keys Division of Monroe County and the large number of tourists driving through this area, according to petitioner. The deletion of Channel 228A from Big Pine Key would make the channel available to any one of nine communities in the area, including seven with no local aural service.

3. In opposing comments, Florida Keys states that it previously opposed a petition filed by Lower Keys in 1977 which sought the allocation of Channel 228A to Boca Chica Key, Florida, on the grounds that (1) it was a proposal to allocate the channel to nearby Key West and (2) Key West was then amply served by five AM and FM stations licensed to the community. The Commission in a *Report and Order*, released August 22, 1978, denied the proposal, after which the petitioner requested the assignment of Channel 228A to Big Pine Key. Florida keys claims that it views the present proposal as one intended to serve Key West. Thus, Florida Keys questions whether the Lower Key Division of Monroe County is a separate community in any meaningful political or governmental sense which would justify a wide coverage area Class C channel.

4. In reply comments, petitioner argues that the Commission in an earlier decision determined that Big Pine Key is a community, although unincorporated. Petitioner states that the opposition does not refute the need for a Class C assignment at Big Pine Key, instead it contends that the proposed assignment is intended to serve Key West, but it has failed to submit evidence to support its contentions. Petitioner maintains that its engineering report indicates that the proposed allocation in which it proposes facilities of 100 kW at 150 feet would not cover any part of Key West, and requests the Commission to institute the rule making, as proposed.

5. Big Pine Key (population not listed in the 1970 or preliminary 1980 Census), in the Lower Keys Division (population 16,353 [2] of Monroe County (population 63,098) is located approximately 48

[1] Public Notice of the petition was given on March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1970 U.S. Census.

kilometers (30 miles) northeast of Key West, Florida. It is served locally by FM Station WWUS (Channel 228A), licensed to the petitioner.

6. While petitioner listed communities in the area without AM or FM service, it did not however list the communities that would be left without alternative assignments as a result of the allocation of Channel 284 to Big Pine Key. Petitioner should do so in the comments to this proposal.

7. Although it has been general Commission policy to assign Class C channels only to larger communities, exceptions have been made when the assignment of a Class C channel would provide first or second service to outlying areas. While no Roanoke Rapids/Anamosa showing was submitted, petitioner states that some second, third and even fourth service would be provided. We have confirmed petitioner's showing that with its proposed facilities, a 60 dBu signal would not be received in Key West. Thus, we find it inappropriate to raise a suburban community issue.

8. Comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to Big Pine Key, Florida, as follows:

City	Channel No.	
	Present	Proposed
Big Pine Key, Fla.	228A	284

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before January 4, 1982, and reply comments on or before January 19, 1982.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division 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 § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 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 comments. The proponent of a proposed assignment 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 a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off 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 the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 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's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 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. 81-34939 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 81-703]

Transmission of Non-voice Signals at a Certain Frequency; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: This order extends the comment period for the Notice of Proposed Rulemaking (NPRM) in PR Docket No. 81-703, published October 27, 1981, 46 FR 52402, for thirty days. This action is necessary because the petition demonstrated the need for more time to respond to the NPRM, which proposed to amend Section 90.385(c) of the Commission's Rules to allow transmission of non-voice signals at 800 MHz.

DATES: Comments by December 16, 1981. Reply comments by January 4, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Emmett Haines Pritchard, Private Radio Bureau, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

Order To Extend the Time for Filing Comments

Adopted: November 16, 1981.

Released: November 20, 1981.

By the Chief, Private Radio Bureau: The Chief, Private Radio Bureau, acting

under delegated authority, grants, in part, a Petition for Extension of Comment Date in PR Docket No. 81-703. The petition was submitted by the General Electric Co. (GE), through its Mobile Communications Business Division. The present dates by which comments and reply comments must be submitted are November 16, 1981 and December 1, 1981, respectively. GE requests that the Commission extend these dates to February 16, 1982 and March 5, 1982.

In support of its request GE states that "the issues raised in this NPRM cannot be judiciously addressed and evaluated for the Commission by November 16th . . . This would include at least a careful analysis of replacing voice with non-voice signalling, evaluating the probabilities of co-channel interference and devising technical and operational standards that could be added to the Commission's rules. However, to assure the meaningful data can be assembled and evaluated, it is quite imperative that additional comment time be allowed."

While we feel there is merit to allowing some additional time to GE to prepare its comments, we must balance this against unduly delaying this proceeding. Since we do not believe GE has adequately demonstrated a requirement for three months, we are granting only a 30 day extension for the submission of comments.

Accordingly, the Chief of the Private Radio Bureau, acting under authority delegated by § 0.331 of the Commission's Rules, 47 CFR 0.331, orders that the Petition for Extension of Comment Date in PR Docket No. 81-703 is granted to the extent discussed herein and that the extended date to file comments is on or before December 16, 1981, and the extended date to file reply comments is on or before January 4, 1982.

Federal Communications Commission.

Robert S. Foosaner,

Acting Chief, Private Radio Bureau.

[FR Doc. 81-35007 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Foreign Fishing and Groundfish of the Gulf of Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rulemaking and notice of availability of a plan amendment.

SUMMARY: Amendment 10 to the fishery management plan for the groundfish of the Gulf of Alaska is approved. NOAA issues a proposed rulemaking to implement the amendment, which decreases the allowable biological catch (ABC) of Pacific ocean perch in the Eastern Regulatory Area, sets the optimum yield equal to ABC, and decreases the amount of Pacific ocean perch available for the domestic annual harvest, the total allowable level of foreign fishing, and the reserve. Also, that portion of the Eastern Regulatory Area between 132°40′ W. and 140°00′ W. longitude will be closed to all foreign trawling. Foreign trawlers using pelagic trawl gear will be permitted within the Eastern Regulatory Area between 140°00′ W. and 147°00′ W. longitude.

The intended effects of this regulation are (1) to reduce the problem of gear conflicts and grounds preemption involving domestic and foreign fishermen, (2) to alleviate the high incidental catches of Pacific halibut in the foreign trawl fishery, and (3) to aid the recovery of the severely depressed Pacific ocean perch resource.

DATE: Comments are invited until January 21, 1982.

ADDRESSES: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Copies of an environmental assessment for Amendment 10 are also available from Mr. McVey. Individual copies of the amendment may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, 907-274-4563.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907-586-7221.

SUPPLEMENTARY INFORMATION: On February 24, 1978, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) approved the Fishery management plan (FMP) for the Groundfish of the Gulf of Alaska. The FMP governs foreign and domestic fishing for a number of finfish, commonly known as groundfish (Section 3.1 of the FMP identifies the common and scientific names of each species). Currently, the FMP designates three regulatory areas in the Gulf of Alaska. Most of the fishery is conducted at numerous fishing grounds within those areas with on-bottom and off-bottom trawls and longlines. The foreign trawl fishery takes place primarily along the 200-meter depth contour.

The FMP was originally published in the **Federal Register** on April 21, 1978 (43 FR 17242). Since then it has been amended nine times. The notice of approval and availability of the ninth amendment was published on July 9, 1981 (46 FR 35536).

Amendment 10 to the FMP was approved by the North Pacific Fishery Management Council (Council) on February 26, 1981. In one of its parts, Amendment 10 changes the annual optimum yield (OY) and its components for Pacific ocean perch in the Eastern Regulatory Area. (Amendment 8, 46 FR 33038, changed the fishing year to conform to the calendar year. To make this adjustment, the regulations implementing Amendment 8 specified the OYs and other values to be effective for 14 months, from November 1, 1980 through December 31, 1981. After December 31, 1981, the specifications will be on calendar year basis.) Amendment 10 now reduces the annual allowable biological catch (ABC) from 29,000 metric tons (mt) to 875 mt and sets the OY equal to ABC. To achieve this OY, the amendment reduces the initial domestic annual harvest (DAH) for Pacific ocean perch from 1,315 mt to 500 mt, the initial total allowable level of foreign fishing from 10,205 mt to 200 mt, and the initial reserve amount from 2,880 mt to 175 mt. The amount of DAH set aside for domestic processing (DAP) is increased from 80 mt to 300 mt, and the amount of DAH allocated for processing by foreign processors under joint ventures (JVP) is decreased from 1,235 mt to 200 mt.

The OY is reduced to allow the Pacific ocean perch resource to recover from its depressed state which resulted from intensive foreign fishing that began in 1962. Harvests of Pacific ocean perch peaked at 344,700 mt in 1965, but declined to 46,600 mt by 1976. Since enactment of the Magnuson Fishery Conservation and Management Act of 1976 (Magnuson Act), annual foreign catches have ranged between 20,229 mt and 8,171 mt.

The best indicator of the depressed condition of the Pacific ocean perch resource is the steadily declining catch per unit of effort (CPUE). Observer data from large Japanese stern trawlers indicate the CPUE within the Southeastern and Yakutat Districts of the Eastern Regulatory Area declined by about 40 percent from 1978 through 1980 (from about 1.4 mt per hour (mt/h) in 1978 to 0.5 mt/h in 1980 in the Southeastern District, and from about 1.0 mt/h in 1978 to 0.5 mt/h in 1980 in the Yakutat District). The resource is probably more seriously depressed than these figures indicate since improvements in equipment and

technique have significantly increased the efficiency of fishing to the extent that, if stocks had remained constant, CUPE would be expected to increase.

Until now, U.S. harvests of Pacific ocean perch in this area have been minimal; however, this species is potentially important in the future development of a domestic groundfish fishery in the eastern Gulf of Alaska, and currently depleted stocks must be rebuilt to provide the incentive necessary for such development. National Marine Fisheries Service surveys of the U.S. fishing industry in Alaska indicate that U.S. fishermen intend to deliver only about 230 mt of Pacific ocean perch to U.S. processors in Alaska in 1981. Thus, the decrease in DAH to 500 mt as proposed by Amendment 10, will not adversely affect the U.S. fishing industry, and it should still encourage domestic development, provide protection for the Pacific ocean perch resource, and allow the stocks to rebuild. The allocation of 200 mt to TALFF is intended to allow for an incidental catch of Pacific ocean perch in foreign fisheries targeting on other groundfish. This measure will thus provide effective protection to the resource without placing undue burden on foreign fishermen.

Amendment 10 also closes the fishery conservation zone (FCZ) between 132°40′ W. and 140°00′ W. longitude to all foreign trawling. Foreign fishing with longlines is already prohibited in this area. The history of gear conflicts between foreign and domestic fishermen in the area forces this action. Initially, most reported conflicts involved Japanese and domestic longline fishermen and, as a result, foreign longlining was prohibited east of 140°00′ W. longitude beginning in 1978. Since that time, there have been increasing reports by U.S. longline fishermen of gear conflicts and grounds preemptions involving foreign trawl vessels. In addition, data from the U.S. longline fishery indicate that the CPUE and the average weight of fish caught declined after foreigners fished the grounds.

The U.S. longline fishery and the accompanying gear conflict/grounds-preemption problem occurs primarily east of 140° W. longitude. Therefore, the proposed area closure to foreign fishing will mitigate the problem. To reduce further potential conflicts between domestic and foreign fishermen, Amendment 10 adds an appendix to the FMP that will facilitate communication between domestic and foreign fishermen to prevent future gear conflicts in the Central and Western Regulatory Areas as the domestic fishery develops.

Amendment 10 also allows foreign trawling at all times between 140° W. and 147° W. longitude, which is a-3½ month increase in fishing time over current regulations. However, foreign trawlers fishing within this area must use only pelagic trawls with recording net-sonde devices functioning properly. The use of pelagic gear will essentially eliminate the high incidental catches of Pacific halibut, since this species is rarely taken in pelagic trawls. In the Gulf of Alaska, halibut have been affected adversely by the foreign trawl fishery. In the Eastern Regulatory Area, the foreign incidental catch of halibut increased from 247 mt in 1978 to 1,688 mt in 1979. Even though foreign vessels must return halibut to the sea, the trawl mortality of halibut is assumed to be 100 percent and therefore the incidental catch represents a total loss to the U.S. directed fishery for halibut. Amendment 10 will eliminate the incidental catch of halibut in the eastern Gulf of Alaska by foreign trawlers, and provide more protection for the halibut resource, which is a management objective of the FMP.

A technical change has been made in the regulations to conform with the Magnuson Act definition of "Secretary", which includes the designee of the Secretary.

National Environmental Policy Act of 1969

The Assistant Administrator has determined that approval of Amendment 10 and the promulgation of proposed implementing rules do not constitute a major federal action significantly affecting the quality of the human environment and requiring the preparation of a supplemental environmental impact statement under the National Environmental Policy Act.

Classification

The Assistant Administrator has determined that Amendment 10 to the FMP is necessary and appropriate for the conservation and management of fishery resources in the Gulf of Alaska. Further, he has determined that it is consistent with the national standards in section 301 of the Magnuson Act, with other provisions of the Magnuson Act, and with other applicable law. He has, therefore, under sections 304 and 305 of the Magnuson Act, approved Amendment 10 and proposed regulations to implement the amendment.

The Assistant Administrator has also determined that approval and implementation of this amendment would not be a federal activity directly affecting the Alaska coastal zone within the meaning of section 307(c)(1) of the Coastal Zone Management Act of 1972 and its implementing regulation, 15 CFR Part 930, Subpart C.

The Administrator of NOAA has determined that this amendment and its implementing regulations are not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. By reducing the gear-conflict/grounds-preemption problem and by enhancing the Pacific ocean perch and halibut resources in the eastern Gulf of Alaska, Amendment 10 will increase the long-term availability of these and other groundfish resources to the domestic groundfish fishery. This amendment can be expected, therefore, to encourage the expansion of the U.S. fishing industry, to reduce costs for consumers and producers in that industry, and to enhance the competitive position of the U.S. fishing industry relative to the fishing industries of other nations.

For the above reasons, the Administrator certifies that approval and implementation of Amendment 10 will not have a significant economic impact on a substantial number of small entities and thus does not require the preparation of regulatory flexibility analysis under 5 U.S.C. 603 and 604.

This action does not increase the Federal paperwork burden for individuals, small busineses, or other persons as defined by the Paperwork Reduction Act.

Dated: November 30, 1981.

Robert K. Crowell,

Deputy Executive Director National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Parts 611 and 672 are proposed to be amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

§ 611.20 [Amended]

2. Section 611.20, Appendix 1, entry 4.E is revised to read as follows:

APPENDIX 1.—OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED (DNP), RESERVE AID TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS—(Continued)

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
4. E. Gulf of Alaska Groundfish Fishery:									
Pollock	701	Western [2]	57,000	5,775	25	5,750		11,400	39,325
		Central	95,200	13,320	5,380	7,940		19,040	62,340
		Eastern	16,600	2,215	695	1,520		3,320	11,065
		Total	168,800	21,310				33,760	113,730
Pacific cod	702	Western	16,560	1,880	240	1,040	600	3,312	11,368
		Central	33,540	6,050	3,460	1,370	1,200	6,708	20,762
		Eastern	9,900	2,070	260	590	1,200	1,980	5,350
		Total	60,000	10,000				12,000	38,000
Flounders	129	Western	10,400	700	100	600		2,080	7,620
		Central	14,700	1,120	300	820		2,940	10,640
		Eastern	8,400	1,360	900	460		1,680	5,360
		Total	33,500	3,180				6,700	23,620
Pacific ocean perch [4]	780	Western	2,700	345	25	320		540	1,815
		Central	7,900	1,255	295	960		1,580	5,065
		Eastern	875	500	300	200		175	200
		Total	11,475	2,100				2,295	7,080
Other rockfish [4]	849	Total	7,600	900	700	200		1,520	5,180
Sablefish [5]	703	Western	2,100	270	100	170		420	1,410
		Central	3,800	1,220	1,000	320		760	1,820
		Yakutat District	3,400	1,380	1,180	200		1,420	600
		Southeast	3,000	2,910	2,820	90		0	90
		Outside							
		Total	12,300	5,780				2,600	3,920
Atka mackerel	207	Western	4,678	290	0	290		936	3,452
		Central	20,836	1,080	0	1,080		4,167	15,589
		Eastern	3,186	700	0	700		637	1,849
		Total	28,700	2,070				5,740	20,890
Squid	509	Total	5,000	150	0	150		1,000	3,850
Other species [6]	499	Total	16,200	1,720	300	620	800	3,240	11,240
Thornyhead rockfish	749	Total	3,750	6	6	0		450	3,294

[4] The category "Pacific Ocean Perch" includes *Sebastes* species *S. alutus* (Pacific Ocean Perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. sacentrus* (sharpchin rockfish).
[5] See figure 1 of section 611.92(a) for description of regulatory areas and districts.
[4] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific Ocean Perch" as defined in footnote 4 above and *Sebastolobus* (thornyhead rockfish).
[7] Excludes values for the Southeast Inside District which is not governed by these regulations.
[6] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

3. In § 611.92, paragraph (e)(2)(i) is removed; paragraphs (e)(2)(ii), (e)(2)(iii), and (e)(2)(iv) are redesignated as (e)(2)(i), (e)(2)(ii), and (e)(2)(iii) respectively; and paragraphs (e)(1), (e)(3)(i) and (f)(1) are revised to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

* * * * *

(e) *Closed areas.*—(1) *All fishing.* Foreign fishing for groundfish is prohibited in the following portions of the management area:

(i) Between 132°40′ W. longitude and 140°00′ W. longitude; and

(ii) "*Davidson Bank*": between 163°04′ W. longitude and 166°00′ W. longitude north of 53°00′ N. latitude.

(2)* * *

(3) *Fishing with longline gear.*—(i) *General.* For the purpose of this section, "longline" means (*a*) a stationary, buoyed, and anchored line with hooks or pots attached, or (*b*) the taking of fish by means of such a device.

* * * * *

(f) *Gear restrictions.*—(1) *Vessels using trawl gear.* From December 1 to June 1, vessels subject to this section may use only pelagic trawls (trawls for which neither the net nor the otter boards contact the seabed). When being fished, each pelagic trawl must be equipped with an operating recording net-sonde device.

* * * * *

§ 611.92 [Amended]

4. In addition to the changes set forth above, § 611.92 is amended by removing reference to "Regional Director" and inserting instead the work "Secretary" in the following places:

a. In (c)(1)(ii)(A), (c)(1)(ii)(B), the first and third references to "Regional Director" and in (c)(1)(ii)(C)(*1*), (c)(1)(ii)(C)(*2*), (c)(1)(ii)(C)(*3*), (c)(1)(ii)(C)(*4*)(*a*), (c)(1)(ii)(C)(*4*)(*b*) and in (c)(1)(ii)(C)(*5*);

b. In (c)(2)(i)(B), the first reference to "Regional Director" and in (c)(2)(ii), (c)(2)(ii)(A), (c)(2)(ii)(B), and (c)(2)(ii)(C).

PART 672—GROUNDFISH OF THE GULF OF ALASKA

5. The authority citation for Part 672 reads as follows:

Authority: 16 U.S.C. 1855.

§ 672.20 [Amended]

§ 672.20, Table 1 is revised to read as follows:

TABLE 1.—OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED (DNP), RESERVE AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
Gulf of Alaska Groundfish fishery: Pollock	701	Western [2]	57,000	5,775	25	5,750		11,400	39,325

TABLE 1.—OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), DOMESTIC NONPROCESSED (DNP), RESERVE AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS—Continued

Species	Species code	Areas	OY	DAH	DAP	JVP	DNP	Reserve	TALFF
		Central [1]	95,200	13,320	5,380	7,940		19,040	62,340
		Eastern [1]	16,600	2,215	695	1,520		3,320	11,365
		Total	168,800	21,310				33,760	113,730
Pacific cod	702	Western	16,560	1,880	240	1,040	600	3,312	11,368
		Central	33,540	6,050	3,480	1,370	1,200	6,708	20,782
		Eastern	9,900	2,070	280	590	1,200	1,980	5,850
		Total	60,000	10,000				12,000	38,000
Flounders	129	Western	10,400	700	100	600		2,080	7,620
		Central	14,700	1,120	300	820		2,940	10,640
		Eastern	8,400	1,360	900	460		1,680	5,360
		Total	33,500	3,180				6,700	23,620
Pacific ocean perch [2]	780	Western	2,700	345	25	320		540	1,815
		Central	7,900	1,255	295	960		1,580	5,065
		Eastern	875	500	300	200		175	200
		Total	11,475	2,100				2,295	7,080
Other rockfish [3]	849	Total	7,600	900	700	200		1,520	5,180
Sablefish [4]	703	Western	2,100	270	100	170		420	1,410
		Central	3,800	1,220	1,000	220		760	1,820
		Yakutat District [1]	3,400	1,380	1,180	200		1,420	600
		Southeast	3,000	2,910	2,820	90		0	90
		Outside [1]							
		Total	12,300	5,780				2,600	3,920
Atka mackerel	207	Western	4,678	290	0	290		936	3,452
		Central	20,836	1,080	0	1,000		4,167	15,509
		Eastern	3,186	700	0	700		637	1,849
		Total	28,700	2,070				5,740	20,890
Squid	509	Total	5,000	150	0	150		1,000	3,850
Other species [5]	499	Total	16,200	1,720	300	620	800	3,240	11,240
Thornyhead rockfish	749	Total	3,750	6	6	0		450	3,294

[1] See figure 1 of section 611.92(a) for description of regulatory areas and districts.
[2] The category "Pacific Ocean Perch" includes *Sebastes* species *S. alutus* (Pacific Ocean Perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockfish), and *S. sacontrus* (sharpchin rockfish).
[3] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific Ocean Perch" as defined in foot note 2 above and *Sebastolobus* (thornyhead rockfish).
[4] Excludes values for the Southeast Inside District, which is not governed by these regulations.
[5] The category "other species" includes sculpins, sharks, skates, eulachon, smelts, capelin, and octupus.

7. In § 672.20(b), make the following changes:

A. Remove the word "he" the first time it appears, and add the words "the Secretary" in lieu thereof;

B. Remove the second reference to "Regional Director" and add the words "the Secretary" in lieu thereof;

C. Remove the second reference to the word "he" and add the words "the Regional Director" in lieu thereof.

8. In § 672.20 make the following changes:

A. In paragraphs (c) (1) and (2), remove the first and third references to "Regional Director" and add the word "Secretary" in lieu thereof;

B. In paragraphs (c)(3) (i), (ii), and (iii), remove the second reference to "Regional Director", and add the word "Secretary" in lieu thereof;

C. Also, in § 672.20, remove the word "he" and add the words "the Secretary" in lieu thereof in paragraphs (c)(3)(iv)(A)(3), (3)(iv)(B), and (3)(v).

9. In § 672.20(e), remove the reference to the word "he" and add the words "the Secretary" in lieu thereof;

§ 672.22 [Amended]

10. In § 672.22, in paragraphs (a)(1), (b)(1), and (b)(4)(i), remove the words "Regional Director" and add the word "Secretary" in lieu thereof; in paragraphs (b)(4)(ii), (b)(4)(iv) and (b)(5), remove the first reference only to "Regional Director", and add the word "Secretary" in lieu thereof.

[FR Doc. 81-34889 Filed 12-4-81; 8:45 am]
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Notices

Federal Register
Vol. 46, No. 234
Monday, December 7, 1981

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.

CIVIL AERONAUTICS BOARD

[Docket No. 40257]

Arizona Pacific Fitness Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., December 1, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-34963 Filed 12-4-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 40269]

Visit USA Fare/Export Inland Contract Rate Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., December 2, 1981.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 81-34962 Filed 12-4-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 14-81]

Foreign-Trade Zone No. 14, Little Rock; Application for Subzone at Sanyo Manufacturing Corp. Plant, Forrest City, Arkansas; Record Extension for Rebuttal Comments

Because of the interest expressed by parties of record in having an opportunity to submit rebuttal comments, the record is reopened until January 8, 1982.

Comments during this period are limited to rebuttals on material submitted during the application record period which closed on November 20. Submissions shall include 12 copies.

Dated: December 2, 1981.

John J. Da Ponte, Jr.,
Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 81-34972 Filed 12-4-81; 8:45 am]
BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Levels of Restraint for Certain Cotton Texile Products from Brazil

December 2, 1981.

AGENCY: Committee for the Implemtation of Textile Agreements.

ACTION: Establishing import restraint levels for cotton textile products in Categories 300 and 301 (Carded and Combed Yarns), as a group, and individual Categories 313 (Sheeting), 314 (Poplin and Broadcloth), 318 (Other Yarn-Dyed Fabrics) and 338 (Men's and Boys' Knit Shirts), produced or manufactured in Brazil and exported during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409))

SUMMARY: The Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil established levels of restraint for certain cotton textile products, including Categories 300 and 301, as a group, and individual Categories 313, 314, 318 and 338 during the twelve-month period which began on April 1, 1981 and extends through March 31, 1982. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing the entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 300 and 301, as a group, and individual Categories 313, 314, 318 and 338 be limited to the designated twelve-month levels of restraint. The levels of restraint have not been adjusted to account for any imports after March 31, 1981. Imports during the April 1–September 30, 1981 period have amounted to the following will be charged. As the data become available, further charges will be made to account for imports during the period which began on October 1, 1981 and extends to the effective date of this directive.

Category and import charges

300-301	1,623,115 pounds of which 1,584,840 pounds will be charge to Category 300 and 38,275 pounds will be charged to Category 301.
313	9,217,747 square yards.
314	363,379 square yards.
318	278,641 square yards.
338	4,869 dozen.

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Arthur Garel,
Acting Chairman, Committee for the Implementation of Textile Agreements.

December 2, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton Textile Agreement of April 22, 1976, as amended, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on December 8, 1981 and for the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 300-301, as a group, and individual Categories 313, 314, 318 and 338, produced or manufactured in Brazil, in excess of the following levels of restrant:

Category	12-Month Levels of Restraint[1]
300-301	12,196,102 pounds.
313	25,965,340 square yards.
314	1,500,000 square yards.
318	1,500,000 square yards.
338	138,889 dozen.

1 The levels of restraint have not been adjusted to reflect any imports after March 31, 1981. During the April 1—September 30, 1981 period, charges in Categories 300 and 301, as a group, have amounted to 1,623,115 pounds of which 1,584,840 pounds should be charged to Category 300 and 38,275 pounds, to Category 301. During the same period, charges in Category 313 have amounted to 9,217,747 square yards; in Category 314, to 363,379 square yards; in Category 318, to 278,641 square yards; and in Category 338, to 4,869 dozen.

Cotton textile products in Categories 300–301, as a group, and individual Categories 313, 314, 318 and 338 which have been exported to the United States prior to April 1, 1981 shall not be subject to this directive.

Cotton textile products in Categories 300–301, as a group, and individual Categories 313, 314, 318 and 338 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the Bilateral Cotton Textile Agreement of April 22, 1976, as amended and extended, between the Governments of the United States and the Federative Republic of Brazil, which provide, in part that (1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementaton of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cottom textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-34878 Filed 12-4-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Monday, January 11, 1982, Plaza West, Rosslyn, Virginia.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on the Department of Defense Intelligence Information System.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

December 2, 1981.

[FR Doc. 81-34953 Filed 12-4-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Education Appeal Board

AGENCY: Department of Education.

ACTION: Notice of applications for review accepted for hearings by Education Appeal Board.

SUMMARY: This notice lists the applications for review that were received and accepted for hearing by the Education Appeal Board between December 9, 1980, and July 31, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue SW., (Room 2141, FOB–6), Washington, D.C. 20202. Telephone: (202) 245–7835.

SUPPLEMENTARY INFORMATION: Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 et seq.), the Education Appeal Board has authority to conduct (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education, and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board.

The Secretary has designated the Board as having jurisdiction to conduct appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most programs administered by the Department of Education (ED). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most ED administered programs that involve a determination that a grant is void, the disapproval of a request for permission to incur an expenditure during the term of a grant, or determinations regarding cost allocation plans or special rates negotiated with specified grantees. Final regulations governing Board jurisdiction and procedures were published in the **Federal Register** on May 18, 1981 (46 FR 27304).

This notice lists the applications for review that were received and accepted for hearing by the Education Appeal Board between December 9, 1980, and July 31, 1981. The notice also explains how interested third parties may intervene in proceedings before the Board.

Appeal of the State of Hawaii, Docket No. 1–(66)–81

The State appealed a final audit determination by the Assistant Secretary for Vocational and Adult Education that Federal funds authorized to supplement the planning and operation of State-wide vocational education programs were misspent. The final audit determination was based on an audit of the State's vocational education program for Fiscal Year (FY) 1977 conducted by Federal auditors.

The Assistant Secretary sustained the auditors' finding that $100,664 in Federal funds were expended at a high school that was ineligible for these funds. The Assistant Secretary also upheld the auditors' finding that $98,613 of Federal funds granted to the University of Hawaii were charged improperly to the FY 1976 appropriation after the expiration of the period for which the funds were available.

The State disputes these findings. The Department of Education requested a refund from the State in the amount of $199,277.

Appeal of the State of Colorado, Docket No. 2–(67)–81

The State appealed a final audit determination issued by the Deputy Assistant Secretary for Special Education which upheld the finding of the Health, Education, and Welfare Audit Agency that the State did not meet Federal maintenance of effort requirements for funds granted under Title I of the Elementary and Secondary Education Act of 1965 during Fiscal Year 1976. The maintenance of effort regulations required the grantee to ensure that the level of State and local education expenditures for students who were beneficiaries of the grants was maintained at the preaward level. The Deputy Assistant Secretary found that the State did not maintain its fiscal effort for handicapped children enrolled at a local mental health center.

The State disputes this determination, asserting that it maintained its fiscal effort. The Department of Education requested a refund of $14,003.

Appeal of the State of Hawaii, Docket No. 3–(68)–81

The State appealed a final audit determination by the Assistant Secretary for Vocational and Adult Education that Federal funds authorized for State vocational education programs during Fiscal Years 1970 through 1975 were not expended within the period of the grant although the State recorded and reported the funds as expended. The State disagrees, stating in its appeal that the funds were carried forward properly and spent within the period of availability. The State also asserts that $1,493 of the disputed amount was unexpended but was returned to the Office of Education and not carried forward after the fund had lapsed. The Department of Education requested a refund of $103,487.

Appeal of the State of Montana, Docket No. 4–(69)–81

The State appealed a final determination by the Assistant Secretary for Vocational and Adult Education. The Assistant Secretary sustained findings by the Health, Education, and Welfare Audit Agency that twenty-six schools (including twenty-four secondary schools, one community college, and the State prison) did not meet the maintenance of effort requirements of the Vocational Education Act of 1963, as amended. Also, the Assistant Secretary sustained the audit finding that, due to an accounting error, $1,760 of work study funds for Fiscal Year (FY) 1973 were reported twice as expended in FY 1973 and FY 1974.

The amount requested by the Department of Education for a refund is $165,521.43. This amount may be reduced by application of the statute of limitations.

Appeal of McKendree College, Docket No. 5–(70)–81

McKendree College, Lebanon, Illinois, appealed a final audit determination issued by the Office of Procurement and Assistance Management (OPAM) of the U.S. Department of Education.

The final audit determination disallowed consultant costs incurred by the College during Fiscal Years 1976 through 1979 for its Advanced Institutional Development Program, funded under Title III of the Higher Education Act of 1965, as amended. OPAM found that the College did not provide documentation that adequately demonstrated the need for the services or the reasonableness of the consultant costs as it was obligated to do under the terms of the grant. The College asserts in its appeal that the consultant costs were properly documented and allocable to the grant. The Department of Education requested a refund of $37,226, the amount of the disallowed costs.

Appeal of the Board of Education of the City of Chicago, Docket No. 6–(71)–81

The Board of Education of the City of Chicago (the City) appealed a final audit determination issued by the Office of Procurement and Assistance Management (OPAM) of the U.S. Department of Education regarding expenditures made by the City for a project funded under Title VII of the Elementary and Secondary Education Act of 1965, as amended, for Fiscal Years 1976 through 1978. Title VII regulations require that a grantee administer its Bilingual Education Project in accordance with Federal regulations, including the provision that the grantee use at least 15 percent of its Title VII grant funds for training purposes. The final audit determination was that the City failed to comply with the 15 percent rule. The City contests this finding.

The Department of Education requested a refund of $39,684, representing the additional amounts it found that the City should have expended for training in order to meet its obligation under the 15 percent rule.

Appeal of Montana State University, Docket No. 7–(72)–81

Montana State University requested review of a final audit determination issued by the Department of Education's Office of Procurement and Assistance Management. The final determination was that extra compensation payments made by the University out of Federal grant funds did not comply with the cost principles that governed Office of Education grants for the period audited (July 1, 1976 through June 30, 1979). The payments were made in a lump sum to faculty members who acted as facilitators for a career-life planning program, which was a component of the University's federally funded project, "Reduction in Sexual Stereotyping".

The University asserts in its appeal that the faculty payments were proper under its grant. The Department of Education requested a refund of $4,600, the amount of the disallowed extra compensation payments.

Appeal of Metropolitan Development Council, Docket No. 8–(73)–81

The Metropolitan Development Council, Tacoma, Washington, provided free professional career counseling services to county residents during Fiscal Years 1978 and 1979. Federal funds to support this service were acquired under an Education Opportunity and Resource Center grant. The Higher Education Act of 1965, as amended, provides in part that recipients of such grants must bear 25 percent of the project costs.

The Metropolitan Development Council appealed a final audit determination made by the U.S. Department of Education's Office of Procurement and Assistance Management that certain of these Federal funds were not expended properly. The final audit determination was that the grantee did not meet its obligation to provide 25 percent of the project costs. A number of in-kind contributions claimed by the grantee were disallowed. The final determination also stated that the grantee could not use unexpended funds from the first grant year to absorb an over-expenditure in the second year. The Department of Education requested a refund of $18,706.

Appeal of Westwood Inkster Cherry Hill Magnet School Planning Group (Inkster Public Schools), Docket No. 9–(74)–81

The Westwood Inkster Cherry Hill Magnet School Planning Group (WIC MSPG), Inkster, Michigan, appealed a final audit determination issued by the Office of Procurement and Assistance Management of the U.S. Department of Education. WIC MSPG is a consortium of three local school districts for which Inkster Public School District acted as applicant and recipient of a Federal

grant under the Emergency School Aid Act to help fund a magnet school project. The grant period was July 1, 1979 through June 30, 1980. An audit of the project was conducted by the Office of Procurement and Assistance Management (OPAM) of the U.S. Department of Education.

The final determination issued by OPAM disallowed $20,164.28 of the grant expenditures. The disallowed costs include charges for repair and remodeling associated with vandalism; unbudgeted costs for equipment unrelated to grant activities; unapproved costs for data processing, concurrent enrollment, and travel; unapproved proposal costs, unallowable entertainment costs; unbudgeted field trip costs; undocumented costs for inservice workshops; and other costs not documented as related to the approved project. The Department of Education requested a refund of $20,164.28.

Appeal of Confederated Tribes of the Umatilla Indian Reservation, Docket No. 10–(75)–81

The Confederated Tribes of the Umatilla Indian Reservation, Pendleton, Oregon, (Confederated Tribes) appealed a final audit determination issued by the Department of Education's Office of Procurement and Assistance Management (OPAM) regarding expenditures made by the Confederated Tribes for an Early Childhood Development Program funded under the Indian Education Act during Fiscal Years (FY) 1977 through 1979. The final determination was to disallow $35,422 as not expended in compliance with the cost principles for nonprofit institutions which OPAM found governed this grant. The specific costs disallowed include rent expenditures which were found to be unrelated to the grant and not budgeted or recoverable as direct costs; undocumented travel costs; duplicate payments for certain office expenses charged as both direct and indirect costs; claimed but unpaid expenditures; and unobligated fund balance. The Department of Education requested a refund of $35,422. The Confederated Tribes dispute all but $10,184 of this determination.

Intervention

Section 78.43 of the final regulations establishing procedures for the Education Appeal Board provides that an interested person, group, or agency may, upon application to the Board Chairperson, intervene in appeals before the Education Appeal Board, including the above appeals.

An application to intervene must indicate to the satisfaction of the Board Chairperson or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in and information relevant to the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

These applications to intervene or questions should be addressed to Dr. David S. Pollen, Chairman, Education Appeal Board, 400 Maryland Avenue, S.W. (Room 2141, FOB–6), Washington, D.C. 20202, telephone (202) 245–7835.

(20 U.S.C. 1234)

(Catalog of Federal Domestic Assistance No. not applicable)

Dated: December 1, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81–34951 Filed 12–4–81; 8:45 am]

BILLING CODE 4000–01–M

Fund for the Improvement of Postsecondary Education; Application Notice for the Comprehensive Program Final Year Dissemination Competition

AGENCY: Department of Education.

ACTION: Application notice for the comprehensive program final year dissemination competition.

SUPPLEMENTARY INFORMATION: Applications are invited for new awards under the Comprehensive Program Final Year Dissemination Competition conducted by the Fund for the Improvement of Postsecondary Education.

Authority for this program is contained in section 1001 of Title X of the Higher Education Act, as amended. This program issues awards to institutions of postsecondary education and other public and private educational institutions and agencies. The purpose of the awards is to improve postsecondary education by supporting efforts by current grantees to disseminate project ideas and results.

(20 U.S.C. 1135)

Closing Date for Transmittal of Applications: Applications for awards must be mailed or hand-delivered by January 12, 1982.

Applications Delivered by Mail: An application sent by mail must be addressed to the Comprehensive Program Final Year Dissemination Competition, U.S. Department of Education, Fund for the Improvement of Postsecondary Education, Attention: 84.116D, 400 Maryland Avenue, S.W., (Regional Office Building 3, Room 3100), Washington, D.C. 20202–3328.

To establish proof of mailing, an applicant must show one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a mail receipt that is not dated by the U.S. Postal Service as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Comprehensive Program Final Year Dissemination Competition, Attention: 84.116D, Department of Education, Fund for the Improvement of Postsecondary Education, 7th and D Streets, S.W., Room 3100, Washington, D.C.

The Secretary will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. Applications that are hand-delivered will not be accepted after 4:30 p.m. on January 12, 1982.

Program Information:

Type of Competition: In Final Year Dissemination competitions, the Secretary supports efforts by grantees of the Fund to disseminate project ideas and results. Applications in these competitions are limited to grantees of the Fund whose projects are in their final year of funding, except that a recipient of a single-year grant may apply for assistance under this competition within one year following the termination of its project.

Selection Criteria: The Secretary evaluates an application on the basis of the following criteria:

(a) *Significance for Postsecondary Education.* The Secretary reviews each project for its significance in improving postsecondary education by determining the extent to which it would:

(1) Address the purposes of the Final Year Dissemination Competition;

(2) Address an important problem or need;

(3) Represent an improvement upon, or important departure from, existing practice;

(4) Involve learner-centered improvements; achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings; and increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each project for its feasibility by determining the extent to which:

(1) The project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the project, as evidenced by the quality of the dissemination project design;

(3) The applicant is capable of carrying out the project, as evidenced by the adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(4) The extent to which the applicant is capable of carrying out the dissemination project as evidenced by the applicant's qualifications and relevant prior experience; and

(5) The applicant and any other participating organizations are committed to the success of the dissemination project, as evidenced by contributions of resources and prior work in the area.

(c) *Appropriateness of the Fund's support.* The Secretary reviews each application to determine whether support of the project by the Fund is appropriate in terms of the availability of other funding sources for the proposed dissemination activities.

(20 U.S.C. 1135)

The selection criteria (a)(1), (a)(2), (a)(3), (a)(4), (b)(1), (b)(2), (b)(3), (b)(4), and (c) are of equal importance. In applying the criteria, the Secretary first analyzes an application in terms of the individual criteria. The Secretary then bases the final judgment of an application on an overall assessment of the degree to which the application addresses the selection criteria.

Other Information To Be Requested From Applicants: The Secretary will contact by phone all applicants being considered for funding in the final stages of the selection process in order to clarify or verify information relevant to their application.

Available Funds: Approximately $100,00 is estimated to be available for new awards in Fiscal Year 1982. It is estimated that these funds could support approximately 15 new awards. The estimated maximum amount for new awards will be up to $8,000 for a 12-month period.

However, these estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant except as may be required by applicable statute and regulation.

Application Forms: Application forms included in program information packages will be sent directly to all Comprehensive Program grantees in their final year of funding and those single-year grantees whose grants have terminated within the past year from the Fund for the Improvement of Postsecondary Education.

The program information package is intended to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically imposed under the statute and regulations governing the competition.

Applicable Regulations: The regulations governing awards made by the Fund for the Improvement of Postsecondary Education are contained in:

(1) The Education Department General Administration Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants) (formerly 45 CFR Part 74), 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions), (formerly 45 CFR Parts 100a and 100c).

(2) When adopted in final form, the regulations for the Fund for the Improvement of Postsecondary Education in 34 CFR Part 630 (formerly 45 CFR Part 1501) published in the **Federal Register** as a Notice of Proposed Rulemaking on September 30, 1981. If public comment on these proposed regulations results in substantive changes in the final regulations, applicants will be given the opportunity to amend their applications.

Further Information: For further information, contact the Fund for the Improvement of Postsecondary Education, regarding the Comprehensive Program Final Year Dissemination Competition (84.116D) telephone: (202) 245-8091.

(Catalog of Federal Domestic Assistance No. 84.116D, Fund for the Improvement of Postsecondary Education)

Dated: December 1, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-34949 Filed 12-4-81; 8:45 am]

BILLING CODE 4000-01-M

Field Initiated Research Continuations

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications for continuation projects.

Applications are invited for continuation of multi-year projects currently being supported under the Field Initiated Research program.

Authority for this program is contained in sections 641 and 642 of Part E of the Education of the Handicapped Act (20 U.S.C. 1441, 1442).

Closing Date for Transmittal of Applications: To be assured of consideration for funding, an application for a noncompeting continuation award should be mailed or hand delivered at least 120 days prior to the end of the current budget period, but no later than April 1, 1982.

If the application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.023C, 400 Maryland Avenue, SW, Washington, D.C. 20202-3561.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with the local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand-delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, Seventh and D Streets SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications

between the hours of 8:00 a.m. and 4:30 p.m., (Washington, D.C. time) daily, except Saturdays, Sundays, or Federal holidays.

Available Funds: Approximately $3 million is expected to be available for support of continuation projects under the Field Initiated Research program.

This estimate does not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

Application Forms: Further information and application forms are available and may be obtained by writing to the Reseach Projects Branch, Special Education Programs, Department of Education, 400 Maryland Avenue SW, (Donohoe 3165), Washington DC 20202–4714.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary urges that only the information required by the application form and instructions be submitted.

Applicable Regulations: The following regulations are applicable to this program:

(a) Regulations governing the Handicapped Research and Demonstration program (34 CFR Part 324). Amendments to the final regulations were published in the **Federal Register** on April 3, 1980 (45 FR 22533), Janury 19, 1981 (46 FR 5380–5381), and June 18, 1981 (46 FR 31996–31998).

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77, formerly 45 CFR Parts 100a and 100c).

FOR FURTHER INFORMATION CONTACT:
Max Mueller, Research Projects Branch, Special Education Programs, Department of Education, 400 Maryland Avenue, SW, (Room 3165, Donohoe Building), Washington, DC 20202–4714, telephone (202) 245–2275.

(20 U.S.C. 1441, 1442)

(Catalog of Federal Domestic Assistance, No. 84.023, Handicapped Research and Demonstration)

Dated: December 1, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-34950 Filed 12-4-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Acceptance of Certifications and Issuance of Proposed Prohibition Orders

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of certifications and issuance of proposed prohibition orders.

SUMMARY: The Economic Regulatory Administration is giving notice of its acceptance of certifications submitted pursuant to section 301 of the Fuel Use Act, as amended by the Omnibus Budget Reconciliation Act, by owners or operators of powerplants which previously had received proposed prohibition orders under former section 301 (b) or (c) of the Fuel Use Act (see "SUPPLEMENTARY INFORMATION" for a listing of powerplants). The certifications address the technical capability and financial feasibility of the plants to use coal, a mixture of petroleum or natural gas and coal, or another alternate fuel as a primary energy source. Accordingly, ERA is issuing proposed prohibition orders pursuant to the authorities contained in section 301 (b) and (c) of the Fuel Use Act, as amended.

DATES: Certifications are deemed to have been accepted on November 30, 1981. Proposed prohibition orders are issued as of the date of acceptance of the certifications. Comments and/or requests for a public hearing are due on or before January 21, 1981.

ADDRESSES: All comments and/or requests for a public hearing on individual cases should be directed to the Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, N.W., Washington, D.C. 20461. Correspondence should clearly indicate the ERA docket number for the case in question.

FOR FURTHER INFORMATION CONTACT:
Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 12th & Pennsylvania Ave., N.W., Room 7120, Washington, D.C. 20461, (202) 633–9451.633–9451.

Robert L. Davies, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room 3002, Washington, D.C. 20461, (202) 653–3649.

Marilyn Ross, Office of General Counsel, Department of Energy, 1000 Independence Ave., S.W., Room 6B–178, Washington, D.C. 20585, (202) 252–2967.

SUPPLEMENTARY INFORMATION: Section 1021 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) amended former section 301 of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620 (FUA), to limit the authority of the Secretary of Energy to prohibit oil or natural gas use only where the owner and operator of an existing powerplant has voluntarily certified to the unit's technical capability and financial feasibility to use an alternate fuel. Section 1022(b) or OBRA provides that any powerplant issued a proposed prohibition order under former section 301 (b) of (c) of FUA, which had not been made final as of the date of enactment of OBRA (August 13, 1981), may elect continued coverage under former section 301 (b) or (c) of FUA rather than coverage under the provisions of section 1021 of OBRA.

On October 1, 1981, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a final rule to establish election procedures for the owners and operators of electric powerplants which had received proposed prohibition orders under former section 301 (b) or (c) of FUA (46 FR 48118).

The preamble to the final rule addressed the issue of the continued validity of proposed FUA orders issued to owners or operators of plants under former section 301 (b) or (c) who wish to proceed under OBRA without unnecessarily disrupting the continuity of their prohibition order proceedings. ERA indicated that the owners or operators of those plants wishing to preserve the continuity of their prohibition order proceedings should submit the certifications required by section 1021 of OBRA at least five days prior to the expiration of the applicable election period, i.e. five days prior to November 30, 1981, in order that ERA could issue proposed prohibition orders under § 1021 of OBRA and prevent any lapse in the prohibition order process.

On or before November 25, 1981, the powerplants identified in the table below filed certifications with ERA in accordance with section 1021 of OBRA.

Utility, Generating unit and docket No.	Date of issuance	Date of filing certification
New England Power Co., Salem Harbor #1, 52007-1626-01-82	3/28/80	11/23/81
New England Power Co., Salem Harbor #2, 52007-1626-02-82	3/28/80	11/23/81
New England Power Co., Salem Harbor #3, 52007-1626-03-82	3/28/80	11/23/81

Each of the above-listed powerplants had previously been issued a proposed prohibition order pursuant to former

section 301 (b) or (c) of FUA, as indicated by docket number and date of issuance in the table above.

ERA has examined the basis for the certifications and the documentation submitted for each powerplant and believes that it will be able to concur in such certifications resulting in the ultimate issuance of a final prohibition order.

Pursuant to section 301 of FUA, as amended, ERA has proposed regulations applicable to the issuance of prohibition orders to certifying existing powerplants 46 FR 58051 (November 27, 1981). In accordance with § 501.52 of the proposed regulations, the following procedure for the processing of these proposed orders will be followed:

(1) Pursuant to § 501.52(b)(2) of the proposed regulations ERA is issuing proposed prohibition orders to the above-listed powerplants. This decision is based on ERA's review of the certifications submitted pursuant to § 1021 of OBRA, and the supporting information submitted with the certifications, and the information contained in each of the records of the prior proceedings under former § 301 of FUA. ERA is hereby publishing its proposed findings, as required by § 701(b) of FUA.

(2) In accordance with § 501.52(b)(3) of the proposed regulations, the publication of this Notice of Acceptance commences a period of 45 days during which interested persons may submit written comments or request a public hearing. During this period, the recipient of the proposed order and any other interested person may submit any evidence that they have available relating to the proposed order, the certification or the concurrence that ERA must make. A request for an extension of the 45 day period may be granted at ERA's discretion.

(3) If a hearing has been requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of 10 CFR, Part 501. The hearing may consider, among other matters, the sufficiency of the certification the owner or operator of the powerplant submitted as required by section 301 of FUA, as amended, and §§ 504.5, 504.6 and 504.8 of the proposed regulations.

(4) No final prohibition orders may be issued until any necessary environmental review conducted pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.* (NEPA) has been completed. Upon completion of the NEPA review and unless ERA determines on the basis of the information contained in the record of the proceeding that the certification fails to meet the requirements of §§ 504.4, 504.6, and 504.8 of the proposed regulations, ERA may issue a final prohibition order.

Proposed Prohibition Orders

Subject to any further findings that ERA may make, ERA hereby proposes to prohibit the powerplants listed in the table below from burning petroleum or natural gas as a primary energy source. In accordance with section 301(a) of FUA, and § 504.6 (c), (d), (e) and (f) of the proposed regulations, the proposed prohibition orders are based on proposed findings by ERA that (1) the powerplants have the technical capability to use coal or another alternate fuel as a primary energy source without having (A) substantial physical modification of the powerplant, or (B) substantial reduction in the rated capacity of the powerplant, and (2) that it is financially feasible to use coal or another alternate fuel as a primary energy source in such powerplants. These findings are based on the certifications submitted by each of the proposed order recipients, on data furnished to ERA in support of these certifications, and on information contained in the records of the previous proceedings under former section 301 (a) or (c) of FUA.

Utility, generating unit and docket No.	Date of issuance	Date of filing certification
New England Power Co., Salem Harbor #1, 52007-1626-01-82	3/28/80	11/23/81
New England Power Co., Salem Harbor #2, 52007-1626-02-82	3/28/80	11/23/81
New England Power Co., Salem Harbor #3, 52007-1626-03-82	3/28/80	11/23/81

Roger C. Wesley,

Acting Deputy Administrator, Economic Regulatory Administration.

November 30, 1981.

[FR Doc. 81-34916 Filed 12-4-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 5412-000]

Chimaera Energy Technology Corp.; Application for Preliminary Permit

December 2, 1981.

Take notice that Chimaera Energy Technology Corporation (Applicant) filed on September 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5412 to be known as the Edwards' Falls Water Power Project located on Limestone Creek near the Town of Manlius in Onondaga County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Kermit J. Lee, Jr., Chimaera Energy Technology Corporation, 104 Berkeley Drive, Syracuse, New York 13210.

Project Description—The proposed project would utilize existing facilities consisting of: (1) A 400-foot long and 21-foot high masonry and earthen dam having a 150-foot long spillway section; and (2) a reservoir having a surface area of 12 acres and negligible storage capacity at normal maximum surface elevation 720 feet msl. Applicant proposes to construct: (1) An intake structure; (2) a 5-foot diameter and 600-foot long penstock; (3) a powerhouse containing a generating unit having a rated capacity of 800-kW at a head of 90 feet and a flow of 150 cfs; (4) a tailrace; (5) a 400-foot 4.8-kV transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 3,000,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time it would evaluate the existing facilities, perform design studies, determine project viability, examine the environmental impact, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit to be $64,400.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34985 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4632]

Clifton Power Corp.; Application for Short-Form License

December 2, 1981.

Take notice that Clifton Power Corporation (Applicant) filed on May 7, 1981, an application for a license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for continued operation of a water power project to be known as Clifton Mills No. 1, Project No. 4632. The project would be located on the Pacolet River near Clifton in Spartanburg County, South Carolina. Correspondence with the Applicant should be directed to: Charles B. Mierek, P. E., Cortland Associates, Inc., 838 Arlington Drive, Tucker, Georgia 30084.

Project Description—The existing project consists of: (1) An existing concrete slab and buttress type dam approximately 175 feet long and 16 feet high with three tainter gates each 16.5 feet high by 25 feet wide; (2) an existing reservoir with a surface area of 15 acres with a maximum storage capacity of 150 acre-feet at a normal pool elevation of 594 feet msl; (3) an existing headworks structure approximately 100 feet long containing three vertical type wooden gates approximately 12 feet wide by 12 feet high; (4) an existing powerhouse located approximately 25 feet downstream of the dam, containing two generating units with a capacity of 800 kW; (5) an existing 12.47 kV transmission line; and (6) appurtenant facilities. The project would be operated on a run-of-river basis.

Purpose of Project—All project energy produced will be sold to the Duke Power Company for marketing to the residents and establishments of the local area. The average annual generation is expected to be 5,120 MWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 18, 1982, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than April 19, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before January 18, 1982. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34986 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5208–001]

Flathead Joint Board; Application for Preliminary Permit

December 2, 1981.

Take notice that Flathead Joint Board (Applicant) filed on November 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5208 to be known as the Lower Crow Creek Project located on Crow Creek, near town of Ronan, in Lake County, Montana. The proposed project would be located within the Flathead Indian Reservation. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Everitt Foust, President, Flathead Joint Board, P.O. Box 69, Moiese, Montana 59824.

Project Description—The proposed project would consist of: (1) The rehabilitation of the existing outlet works of the existing Bureau of the Indian Affairs' 90-foot high earthfilled Crow Dam; (2) a powerhouse, to be located at the outlet works, containing two generating units, each rated at 500 kW; (3) a tailrace; (4) the existing Moiese "A" Canal; (5) a turnout structure; (6) a 500-foot long, 4.5-foot diameter steel penstock; (7) a powerhouse containing two generating units, each rated at 650 kW; and (8) two transmission lines. The average annual energy generation from both powerhouses is estimated to be 9.1 million kWh. The Flathead Joint Board is the operator of the Crow Dam.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction.

Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. The cost of the studies to be performed under the preliminary permit is estimated to be $100,000.

Competing Applications—This application was filed as a competing application to the Lower Crow Dam Project No. 4703 filed on May 20, 1981, by the City of Kalispell under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before January 4, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34983 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5603-000]

The City of Sebastopol, California; Application for Preliminary Permit

December 2, 1981.

Take notice that The City of Sebastopol, California (Applicant) filed on November 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5603 to be known as the Sebastopol Trinity Power Project located on Trinity River in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Melvin K. Davis, City Manager, 7120 Bodega Avenue, Sebastopol, California 95472.

Project Description—The proposed project would consist of : (1) A 150-foot long, 5-foot high diversion structure on Trinity River; (2) a 14,000-foot long, 72-inch diameter diversion conduit; (3) a 800-foot long, 50- inch diameter penstock; (4) a powerhouse with a total installed capacity of 5,200 kW; and (5) a 4-mile long, 12-kV transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 45.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capitals letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34984 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5111-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

December 2, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on July 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5111 known as the Parker Creek Water Power Project located on Parker Creek

in Boundary County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 2-foot high diversion structure; (2) a 3,500-foot long, 24-inch diameter penstock; (3) a powerhouse with total installed capacity of 600 kW; and (4) a 800-foot long, 5-kV transmission line which would connect the powerhouse to the existing Northern Lights, Inc. transmission line. The Applicant estimates that the average annual energy production would be 2,260,100 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $5,350.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34807 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5576-000]

Hydro Development Group Inc.; Application for Preliminary Permit

December 1, 1981.

Take notice that Hydro Development Group Inc. (Applicant) filed on October 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5576 to be known as the Port Leyden Water Power Project located on the Black River in Lewis County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John T. Bedard, Hydro Development Group Inc., P.O. Box 58, Dexter, New York 13634.

Project Description—The proposed project would utilize existing facilities consisting of: (1) A 25-foot high and 150-foot long timber-crib dam extending across the right (east) river channel; (2) a reservoir with a surface area of about 20 acres and a negligible storage capacity at normal surface elevation 856.5 feet m.s.l.; (3) an intake structure near the dam's left abutment; (4) a powerhouse; (5) a tailrace; (6) a 2,500-foot long 2.3-kV transmission line; and (7) appurtenant facilities.

Applicant proposes to rehabilitate the powerhouse and to install two generating units each rated at 750 kW and operated under a 25-foot head and at a flow of 400 cfs each. Applicant estimates that the average annual energy output would be 9 million kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would study the project environmental impact, perform a detailed engineering assessment and an overall economic analysis and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $49,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intevene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's

regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34989 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5552-000]

Hydro Dyne Co.; Application for Preliminary Permit

December 1, 1981.

Take notice that Hydro Dyne Company (Applicant) filed on October 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5552 to be known as the Black Canyon Water Power Project located on Lake Waldo, and using the waters of North Fork of Middle Fork of the Willamette River, Black and Salmon Creeks in Lane County near Oakridge, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Messrs. Brad Mowreader, Frank Mowreader, 2100 West Broadway #8, Eugene, Oregon 97402.

Project Description—The proposed project, to be located within the boundary of the Willamette National Forest, would consist of: (1) Lake Waldo, a natural lake; (2) the existing diversion gate and connecting tunnel (both to be rehabilitated); (3) a 3.5-mile long, 30-inch diameter penstock; (4) a powerhouse to contain three Francis-type, turbine-generating units with a total rated capacity of 10 MW; and (5) a transmission line to connect to an existing Bonneville Power Administration 12.5-kV line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road construction would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34990 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5525-000]

Hydro Management Inc.; Application for Preliminary Permit

December 2, 1981.

Take notice that Hydro Management Incorporated (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5525 to be known as the Cedar Creek Power Project located on Cedar Creek in Lake County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. H. Edelman III, President, Hydro Management Incorporated, Route 1, Box 169, Ronan, Montana 59864.

Project Description—The proposed project would consist of: (1) A 23-foot long, 3-foot high diversion structure; (2) a 11,500-foot long, 12-inch diameter penstock; (3) a powerhouse with a total rated capacity of 377 kW; and (4) a 8,000-foot long, 14.4-kV transmission line from the powerhouse to an existing 14.4-kV Missoula Electric Cooperative Incorporated transmission line. The Applicant estimates that the average annual energy production would be 2.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct the technical, environmental and economic feasibility studies; and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $2,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 16, 1982, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit

comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petitions to intervene must be received on or before February 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34988 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5359-000]

Hydroelectric Power Engineers; Application for Preliminary Permit

December 2, 1981.

Take notice that Hydroelectronic Power Engineers (Applicant) filed on September 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5359 to be known as the Kaiser Creek Project located on Kaiser and Westfall Creeks in Fresno, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William G. Dunn, Hydroelectric Power Engineers, 60 Roan Place, Woodside, California 94062.

Project Description—The proposed project would consist of: (1) A concrete faced rock fill storage dam 115 feet high with a crest length of 550 feet, and two diversion dams, one on Kaiser Creek 20 feet high with 82-foot crest length and the other on Westfall Creek 10 feet high with a 40-foot crest length; (2) a reservoir at the storage dam with a 2,700 acre-foot capacity, negligible storage at the 2 diversion dams; (3) two powerhouses containing turbine-generators with capacities of 630 kW and 7,900 kW and average annual generating 2,200 MWH and 29,400 MWH, respectively; and (4) appurtenant facilities. Potential customers for the power project include the Southern California Edison Company and the Pacific Gas and Electric Company. The project is located entirely on U.S. Forest Service lands.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time engineering, economic and environmental studies would be conducted to determine project feasibility and to support a license application. The estimated cost of studies under the preliminary permit authorization is $350,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34991 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5501-000]

The Jackson Water Development Co.; Application for Preliminary Permit

December 1, 1981.

Take notice that The Jackson Water Development Company (Applicant) filed on October 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5501 to be known as the Knob Hill Hydroelectric Waterpower Project located on Rogue River in Jackson County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Ms. Marilyn Tebor Shaw, Jackson Water Development Company, Suite 1100, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036.

Project Description—The proposed project would consist of: (1) A 160-foot long, 6-foot high diverson structure on Rogue River; (2) a 2,000-foot long open channel; (3) a 8,000-foot long diversion conduit; (3) a 500-foot long, 72-inch penstock; (4) a powerhouse with a total installed capacity of 4,400 kW; and (5) a 1.25-mile long transmission line from the powerhouse to an existing transmission line. The Applicant estimates that the average annual energy production would be 26 million kWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24

months, during which time it would conduct technical, environmental and economic studies; and also prepare an FERC license application. The applicant estimates that the cost of undertaking these studies would be $100,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petitions to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34992 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2748-000]

North Carolina Electric Membership Corp.; Application for License (Major)

December 1, 1981.

Take notice that North Carolina Electric Membership Corporation (Applicant) filed on August 20, 1974, and supplemented on August 30, 1979, an application for a major license under the Federal Power Act, 16 U.S.C. 791(a)–825(r) for the Walters Project No. 2748, located on the Pigeon River, a navigable waterway of the United States, in Haywood County, North Carolina. Correspondence with the Applicant should be addressed to: Mr. James M. Hubbard, Executive Vice President and General Manager, North Carolina Electric Membership Corporation, 3333 North Boulevard, Post Office Box 27306, Raleigh, North Carolina 27611.

This application was filed as a competing application to the Carolina Power and Light Company's application for a new license filed on August 7, 1973, for Project No. 432.

Project Description—The Walters Project consists of: (1) A concrete arch dam 185 feet high and approximately 900 feet long, with a spillway containing 14 steel taintor gates each 24 feet by 10 feet; (2) a reservoir with a surface area of 340 acres at normal high water elevation 2,258.6 feet m.s.l.; (3) a concrete-lined water tunnel 32,700 feet long, extending from the base of an intake structure; (4) a 42-foot diameter surge tank 193 feet high; (5) three 8-foot diameter penstocks each 615 feet long; (6) a powerhouse consisting of three generating units with a total installed capacity of 108,000 kW plus a 600 kW house service generator; and (7) appurtenant facilities.

Purpose of Project—Applicant would distribute the energy generated by the project to its own retail customers.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before January 15, 1982. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34993 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5541-000]

Norton Hydro Co.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

December 2, 1981.

Take notice that on October 20, 1981, Norton Hydro Company (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5541) would be located on the Coaticook River in the Town of Norton, in Essex County, Vermont. Correspondence with the Applicant should be directed to: Mr. L. Macrae Rood, Box 142, Warren, Vermont 05674.

Project Description—The proposed project would consist of: (1) The Applicant's existing concrete gravity dam, 12 feet high, when equipped with 2-foot flashboards, and 120 feet long; (2) a small existing impoundment covering four acres with negligible storage; (3) an existing steel pipe penstock, 4 feet in diameter and 550 feet long; (4) an existing 15 by 36 foot, one story wooden powerhouse; (5) a renovated 115-kV turbine/generator unit operating under a head of 26 feet and generating 700,000 kWh per year; (6) a 75-foot tailrace channel; and (7) a new 200-kV transmission line 1,000 feet long.

Purpose of Project—Project power would be sold to the New Hampshire Electric Cooperative.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Vermont Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from

the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 18, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34994 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5502-000]

Springfield Utility Board; Application for Preliminary Permit

December 1, 1981.

Take notice that Springfield Utility Board (Applicant) filed on October 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5502 to be known as the Cottage Grove Power Project located on the Willamette River (Cottage Grove Lake) in Lane County, near Cottage Grove, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Steve L. Loveland, Springfield Utility Board, 250 North "A" Street, P.O. Box 300, Springfield, Oregon 97477.

Project Description—The proposed project would be located at the base of the U.S. Army Corps of Engineers' existing Cottage Grove Lake Dam and would consist of: (1) A new outlet structure; (2) a penstock; (3) a powerhouse with a rated capacity of 1.4 MW; and (4) a 500-foot long, 115-kV transmission line to connect to an existing Pacific Power and Light Company line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant is seeking a 36-month preliminary permit to study the feasibility of constructing and operating the proposed project. No new road construction would be required to conduct the studies.

Competing Applications—This application was filed as a competing application to the Cottage Grove Hydroelectric Power Project No. 5024 filed on June 30, 1981, by Energenics Systems, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petitions to intervene must be received on or before December 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34995 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2426-008]

State California Department of Water Resources; Application for Amendment of License

December 1, 1981.

Take notice that on August 26, 1981, the State of California Department of Water Resources (Licensee) filed an application for amendment of its existing license for the California Aqueduct Project No. 2426, to add Pyramid Outlet powerplant in Los Angeles County, California. Correspondence with the Licensee should be directed to: Mr. Ronald B. Robie, Director, Department of Water Resources, P.O. Box 388, Sacramento, California 95802.

Licensee seeks authorization to construct, operate, and maintain: (1) A 750-foot long, 24-inch diameter penstock connecting an outlet from the existing Pyramid Lake with; (2) a powerhouse with a total installed capacity of 1.0 MW; (3) an afterbay and chute structure from the powerhouse; and (4) a 15-kV, 2,500-foot long underground transmission line interconnecting an existing Southern California Edison Company's transmission line.

The estimated annual energy of 3.17 million kWh generated by the proposed powerplant would be added to the energy generated at the other powerplants of the Licensee. The Licensee estimates the cost of the proposed action to be $2,754,000. The proposed project would be located within the Angeles National Forest and the Los Pades National Forest.

Comment, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before January 15, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34806 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5237-001]

James E. Tucker; Application for Preliminary Permit

December 2, 1981.

Take notice that James E. Tucker (Applicant) filed on October 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5237 to be known as the Antwerp Project located on the Indian River in the Village of Antwerp, Jefferson County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James E. Tucker, 204 Main Street, Antwerp, New York 13608.

Project Description—The proposed project would utilize existing facilities consisting of: (1) The 100-foot long and 12-foot high stone rubble-concrete faced Antwerp Dam; (2) the reservoir having a surface area of 34 acres and a storage capacity of 290 acre-feet at spillway crest elevation 495 feet msl; (3) an intake structure; (4) a forebay; (5) a 7-foot diameter, 17-foot long steel penstock; (6) a powerhouse; and (7) a tailrace.

Applicant proposes to rehabilitate the existing facilities and to: (1) Rebuild the powerhouse; (2) install generating unit(s) having a total rated capacity of 220 kW; (3) construct a 275-foot long, 4.2-kV transmission line; and (4) install or construct miscellaneous appurtenant facilities. Applicant estimates that the average annual energy output would be 1,542 MWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would investigate the technical and financial feasibility to determine if the project should proceed to development. Should the project be feasible, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $25,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34997 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5496-000]

County of Amador, Calif.; Application for Preliminary Permit

December 1, 1981.

Take notice that the County of Amador, California (Applicant) filed on October 14, 1981, an application for preliminary permit (pursuant to the Federal Power Act, (16 U.S.C. 791(a)–825(r))) for Project No. 5496 to be known as the Sutter Creek Project located on Sutter Creek in Amador County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred Joyce, Chairman of Board, County of Amador, 108 Court Street, Jackson, California 95642.

Project Description—The proposed project would consist of: (1) A 170-foot high, 710-foot long earth fill dam; (2) a 40-foot high, 200-foot long saddle dike; (3) a reservoir with a capacity of approximately 50,000 acre-feet; (4) a powerhouse containing a single generating unit with a rated capacity of 1,125 kW; and (5) a 4,000-foot long transmission line. Applicant estimates that the average annual energy output would be 9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report, including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $400,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35011 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5284-000]

Empire Pallets, Inc.; Application for Preliminary Permit

December 1, 1981.

Take notice that Empire Pallets, Inc. (Applicant) filed on September 16, 1981, and revised on October 26m 1981, an application for preliminary permit (pursuant to the Federal Power Act) 16 U.S.C. 791(a)–825(r)] for Project No. 5484 to be known as the Port Leyden Project located on the Black River in Lewis County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Philip J. Movish, Daverman & Associates, P. C., 500 South Salina Street, Syracuse, New York 13202.

Project Description—The proposed project would utilize existing Applicant-owned facilities consisting of: (1) A 10-foot high and 75-foot long concrete gravity-type dam in two sections; (2) a reservoir with a surface area of 10 acres and a storage capacity of 45 acre-feet at normal maximum surface elevation 871.6 feet msl; (3) an intake structure near the dam's right (east) abutment; (4) a 20-foot deep 20-foot wide and 60-foot long concrete flume; (5) a former lumber mill; (6) a tailrace; (7) a 200-foot long 23-kV transmission line; and (8) appurtenant facilities.

Applicant proposes to repair the dam, use a portion of the mill as a powerhouse, and to install two rebuilt generating units each rated at 500-kW. Applicant estimates that the average annual energy output would be 6 million kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36-months, during which time it would, study the project's hydrological aspects, perform a detailed engineering assessment, examine the project's environmental impact, determine the project's economic feasibility and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be 53,100.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to

intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35014 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5492-000]

The City of New York; Application for Preliminary Permit

December 1, 1981.

Take notice that The City of New York (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act (16 U.S.C. 791(a)–825(r)) for Project No. 5492 to be known as the Shandaken Tunnel Intake Water Power Project located on Schoharie Creek in Delaware, Green, and Schoharie Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Francis X. McArdle, Department of Environmental Protection, City of New York, 2358 Municipal Building, New York, New York 10007.

Project Description—The proposed project would redevelop the existing Applicant-owned facilities and would consist of: (1) The 2,280-foot long and 155-foot high masonry Gilboa Dam having a 1,324-foot long spillway discharging into Schoharie Creek; (2) the Schoharie Reservoir having a surface area of 1,145-acres at spillway crest elevation 1,130 feet m.s.l.; (3) the intake works receiving water from Schoharie Reservoir and modified to contain a new generating unit having a rated capacity of 2,000 kW; (4) the 18-mile long Shandaken Tunnel to Esopus Creek; (5) a new 1-mile long transmission line; and (6) appurtenant facilities. Applicant estimates that the average annual energy output would be 6,000 MWh.

The system would continue to be operated essentially to provide water supply to The City of New York. Project energy would be used by Applicant for municipal purposes or would be sold.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would complete feasibility, engineering, and hydrologic studies, conduct field surveys, prepare environmental reports and detailed plans, consult with Federal, State, and local agencies, and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $64,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 8, 1982, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules or Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before February 8, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35010 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5475-000]

Homestake Consulting & Investment Inc.; Application for Preliminary Permit

December 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act (16 U.S.C. 791(a)–825(r))) for Project No. 5475 to be known as the O'Brien Creek Water Power Project located on O'Brien Creek near Troy in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 3-foot high diversion structure with 10-square foot intake orifice; (2) a 2100-foot long, 24-inch diameter penstock; (3) a powerhouse with total installed capacity of 250 kW and (4) a 1.6-mile long, 5-kV transmission line from the powerhouse to an existing Northern Lights, Inc.,

transmission line. The Applicant estimates that the average annual energy production would be 1.054 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $4000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS" "NOTICE OF INTENT TO FILE COMPETING APPLICATION" "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35013 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5479-000]

Homestake Consulting & Investment, Inc.; Application for Preliminary Permit

December 1, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit (pursuant to the Federal Power Act (16 U.S.C. 791(a)–825(r))) for Project No. 5479 to be known as the Camp Creek Water Power Project located on Camp Creek near Troy in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description—The project would consist of: (1) A 3-foot high diversion structure with 10-square foot intake orifice; (2) a 4400-foot long, 16-inch diameter penstock; (3) a powerhouse with total installed capacity of 225 kW and (4) a 6000-foot long, 5-kV transmission line from the powerhouse to an existing Northern Lights, Inc., transmission line. The Applicant estimates that the average annual energy production would be 0.828 million kWh..

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $3300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before February 5, 1982, either the competing application itself (See 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before February 5, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35012 Filed 12-4-81; 8:45 am]

BILLING CODE 6717-01-M

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
NORTH DAKOTA INDUSTRIAL COMMISSION									
-COASTAL OIL & GAS CORP						RECEIVED: 10/26/81 JA: ND			
8204049	378	3300700654		102-2		COG/ALAQ 23-142-101 BN#3	BIG STICK	380.0	WESTERN GAS PROCE
-GULF OIL CORPORATION						RECEIVED: 10/26/81 JA: ND			
8204050	379	3300700523		102-2		TEDROW 1-12-3A	LITTLE KNIFE	60.0	MONTANA DAKOTA UT
-KERR-MCGEE CORPORATION						RECEIVED: 10/26/81 JA: ND			
8204051	380	3305301158		102-2		ANDERSON 1-6	MONDAK	0.0	
-MESA PETROLEUM						RECEIVED: 10/26/81 JA: ND			
8204053	382	3302500142		102-2		MISSOURI BRANDVIK #1-13	WILDCAT	1095.0	
-PROSPER ENERGY CORPORATION						RECEIVED: 10/26/81 JA: ND			
8204052	381	3310500854		102-2		PEDERSON #1	MCGREGOR	14.0	AMINOIL USA INC
-TEXACO INC						RECEIVED: 10/26/81 JA: ND			
8204054	383	3305301055		102-2		ROBERT REITSCH (NCI-2) #4	BLUE BUTTES	186.0	MONTANA DAKOTA UT
OKLAHOMA CORPORATION COMMISSION									
-AN-SON CORPORATION						RECEIVED: 10/26/81 JA: OK			
8204105	09556	3507322741		103		ROYAL #1	SOONER TREND	20.8	PHILLIPS PETROLEU
8204099	07745	3506120228		103		WRIGHT A#1	N E LEGUIRE	21.9	MUSTANG FUEL CORP
-ANADARKO PRODUCTION COMPANY						RECEIVED: 10/27/81 JA: OK			
8203991	10582	3502520458		103		S E BURTON #1-1A	S E BURTON	10.0	PHILLIPS PETROLEU
8203993	10585	3502520450		103		S E BURTON #1-2	S E BURTON	47.0	PHILLIPS PETROLEU
8203992	10584	3502520457		103		S E BURTON #3-1A	S E BURTON	33.0	PHILLIPS PETROLEU
-APOLLO PRODUCTION LTD						RECEIVED: 10/26/81 JA: OK			
8204077	10957	3501721825		103		HALKO 4-2	NORTHWEST PIEDMONT	23.0	SID RICHARDSON CA
-ASPEN OIL COMPANY						RECEIVED: 10/27/81 JA: OK			
8203987	11011	3508321439		103		VERNA #2	SOONER TREND	20.0	SWAB CORP
-BARRETT DRILLING CO						RECEIVED: 10/27/81 JA: OK			
8203972	10781	3504700000		103		MILACEK #2		50.0	PHILLIPS PETROLEU
-BEARD OIL COMPANY						RECEIVED: 10/27/81 JA: OK			
8204008	11147	3507322762		103		PRICE-INGLE #1	SOONER TREND	15.0	PANHANDLE EASTERN
-BEREN CORPORATION						RECEIVED: 10/27/81 JA: OK			
8203976	14200	3512120839		102-2		ALEXANDER #1-1	NORTHEAST SAVANNA	0.0	ARKANSAS LOUISIAN
8203975	13833	3500721943		102-4		NEUFELD #1-27	EAST BOYD	6.0	KANSAS-NEBRASKA N
-BOBBY ROWE OIL PROPERTIES						RECEIVED: 10/27/81 JA: OK			
8203977	10353	3511100000		108		STEIGLEDER #2	POLLYANNA	5.5	PHILLIPS PETROLEU
-BONANZA PETROLEUM INC						RECEIVED: 10/27/81 JA: OK			
8203986	10980	3500721972		103		LOEPP #1		200.0	WESTERN GAS INTER
-C & S EXPLORATION INC						RECEIVED: 10/27/81 JA: OK			
8203949	11053	3506321042		103		SNELL HEIRS TRUST #1-33	CARSON	15.0	TRANSOK PIPELINE
-CHAMPLIN PETROLEUM COMPANY						RECEIVED: 10/26/81 JA: OK			
8204098	10991	3504700000		108		H MOEHLE UNIT #1	WAUKOMIS	14.0	UNION TEXAS PETRO

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204091	07420	3500320732		103		SIMON B UNRUH #2	EAST CHANEY DELL	0.0	CHAMPLIN PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 10/27/81 JA: OK					
8204003	10993	3507322924		103		R V STURGEON #2	SOONER TREND	73.0	PHILLIPS PETROLEU
-CHASE EXPLORATION CORP				RECEIVED: 10/26/81 JA: OK					
8204063	11206	3507121490		103		ADAMS #2-32	UNNAMED	0.0	CITIES SERVICE GA
8204069	11204	3507121803		103		BERRIE 1-1	UNNAMED	0.0	CITIES SERVICE GA
8204057	11203	3507121798		103		DAVIS #2-18	UNNAMED	0.0	CITIES SERVICE GA
8204088	11199	3507121269		103		SCOTT #2-25	UNNAMED	0.0	CITIES SERVICE GA
8204087	11200	3507121804		103		SCOTT 3-1	UNNAMED	0.0	CITIES SERVICE GA
8204056	11201	3507121268		103		SCOTT 3-24	UNNAMED	0.0	CITIES SERVICE GA
8204058	11202	3507121232		103		SCOTT 4-24	UNNAMED	1.0	CITIES SERVICE GA
-CHEYENNE EXPLORATION INC				RECEIVED: 10/27/81 JA: OK					
*8203941	10930	3509322103		103		RUTH #1-10	RINGWOOD	91.3	UNION TEXAS PETRO
-DAVIS OIL COMPANY				RECEIVED: 10/26/81 JA: OK					
8204094	10872	3501520957		103		HEDGECOCK #1	ELM GROVE	566.0	ONG SAYRE STORAGE
-DEMCO OIL & GAS COMPANY				RECEIVED: 10/26/81 JA: OK					
8204073	10974	3507122290		103		KAHLE #2-35	UNNAMED	67.2	CITIES SERVICE GA
8204074	10975	3507122289		103		PATTEN #3-26	UNNAMED	23.5	CITIES SERVICE GA
-DON D MONTGOMERY JR				RECEIVED: 10/26/81 JA: OK					
8204097	10986	3502520427		103		BRYAN #1-2	SAMPSEL	0.0	SOUTHERN UNION GA
-DONALD W JACKSON				RECEIVED: 10/27/81 JA: OK					
8203999	00113	3513900000		108-ER		LANGSTON B #1	GUYMON-HUGOTON	0.0	NORTHERN NATURAL
-DOUBLE DIAMOND INC				RECEIVED: 10/27/81 JA: OK					
8203950	11129	3509321702		103		THOMASON 1-30	MENO-RINGWOOD	180.0	PIONEER GAS PRODU
-E LYLE JOHNSON INC				RECEIVED: 10/27/81 JA: OK					
8203985	10853	3513520088		103		DEDRICK #1	BRENT	0.0	DELHI GAS PIPELIN
-EASON OIL COMPANY				RECEIVED: 10/27/81 JA: OK					
8203959	11084	3509320679		108		M O HUGHES #1	OAKDALE	27.0	DELHI GAS PIPELIN
-EDWARD P O BRIEN				RECEIVED: 10/26/81 JA: OK					
8204104	10979	3510321211		103		SHIRLEY #1		3.7	AMINOIL U S A INC
-EDWARD P O BRIEN				RECEIVED: 10/27/81 JA: OK					
8203981	10938	3508321404		103		GLACIE HOWLAND #1	UN-NAMED	9.0	EASON OIL CO
-EDWIN L COX				RECEIVED: 10/27/81 JA: OK					
8204001	11045	3509120102		108		BALL #1	PIERCE	5.3	PHILLIPS PETROLEU
-EL DORADO DRILLING INC				RECEIVED: 10/27/81 JA: OK					
8203958	10652	3508321316		103		MASON #79-1	WILDCAT	150.0	SUN GAS CO
8203956	8782	3507121625		103		ROLLY #4	WILDCAT	22.1	SUN GAS CO
8203964	10653	3507121834		103		ROLLY #5	WILDCAT	20.0	SUN GAS CO
8203968	10654	3507121990		103		ROLLY #6	WILDCAT	20.0	SUN GAS CO
8203969	10655	3507122065		103		ROLLY #7	WILDCAT	20.0	SUN GAS CO
8204005	08780	3507120919		108		TABOR #1	WILDCAT	10.7	ARKANSAS-LOUISIAN
-ENTEX PETROLEUM INC				RECEIVED: 10/26/81 JA: OK					
8204066	10918	3508320793		103		KENNETH S PRITCHETT #1	SOUTH MULHALL	3.0	EASON OIL CO
-ENTEX PETROLEUM INC				RECEIVED: 10/27/81 JA: OK					
8203942	10940	3508320882		103		PAUL TAYLOR A #1	WEST LAWRIE	35.0	EASON OIL CO
-ESTORIL PRODUCING CORP				RECEIVED: 10/26/81 JA: OK					
8204080	14276	3512521039		102-2		BARTON A #1	NE TECUMSEH	36.5	TRANSOK PIPELINE
8204084	14279	3512500000		102-2		GUNTER #1	NE TECUMSEH	14.9	TRANSOK PIPELINE
8204082	14274	3512521081		102-2		GUNTER A #1	NE TECUMSEH	2.5	TRANSOK PIPELINE
8204081	14275	3512500000		102-2		GUNTER A #2	NE TECUMSEH	36.5	TRANSOK PIPELINE
8204086	14277	3512521184		102-2		PARSONS #1	NE TECUMSEH	31.0	TRANSOK PIPELINE
8204078	10273	3512521955		102-2		STATE 16 FARRIS #1	NE TECUMSEH	0.0	TRANSOK PIPELINE
8204085	14278	3512521251		102-2		STATE 16 FARRIS #2	NE TECUMSEH	36.5	TRANSOK PIPELINE

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204083	14280	3512521227		102-2		YEISLEY #1	NE TECUMSEH	36.5	TRANSOK PIPELINE
-GEORGE RODMAN INC				RECEIVED: 10/27/81 JA: OK					
8203982	10939	3508700000		103		HAMILTON #1	GOLDEN TREND	24.4	TRANSOK PIPE LINE
-GETTY OIL COMPANY				RECEIVED: 10/26/81 JA: OK					
8204093	10682	3504321039		103		HASBROOK #24-1	FONDA	102.0	PHILLIPS PETROLEU
-GRACE PETROLEUM CORPORATION				RECEIVED: 10/26/81 JA: OK				10.8	PANHANDLE EASTERN
8204072	10888	3515120232		108		GASKILL 1-21			
-HALLIBURTON OIL PRODUCING COMPANY				RECEIVED: 10/26/81 JA: OK					
8204096	10984	3509322028		103		BROWN #1	RINGWOOD	145.0	PIONEER GAS PRODU
-HARPER OIL COMPANY				RECEIVED: 10/27/81 JA: OK					
8204088	11005	3507322944		103		LEITNER #1	UNNAMED	85.0	PHILLIPS PETROLEU
-HEARTLAND EXPLORATION				RECEIVED: 10/27/81 JA: OK					
8203995	10786	3510321079		103		SWEANY #1	SOUTH TONKAWA	10.0	SUN GAS CO
-HIGHLANDS GOODALL & GREER INC				RECEIVED: 10/26/81 JA: OK				0.0	LONE STAR GAS CO
8204092	08876	3504921346		103		BOBO #1			
-HILL RESOURCES INC				RECEIVED: 10/26/81 JA: OK					
8204089	11013	3507322603		103		O'HERN NO 25-2	SOONER TREND	80.0	OKLAHOMA GAS & EL
8204090	11014	3508321552		103		SIKES #1	SOONER TREND	95.0	OKLAHOMA GAS & EL
-JICO EXPLORATION INC				RECEIVED: 10/27/81 JA: OK					
8204087	11146	3507321187		103		JICO - CURRIE #1	SOONER TREND	36.0	CITIES SERVICE GA
-JRHOP INC				RECEIVED: 10/27/81 JA: OK					
8204009	13421	3508320961		103		GRIFFEY 1-35	SOUTH MARSHALL	44.0	EASON OIL CO
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 10/26/81 JA: OK					
8204068	10896	3515320465		108		BOOTH #1-28	N E ALABASTER	10.0	CITIES SERVICE GA
8204070	10897	3515120220		108		TANNER A #1	WILDCAT	7.0	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 10/27/81 JA: OK					
8203944	10919	3505935188		108		BARNETT #1	CLARK CREEK EAST	16.0	NATURAL GAS COMPR
8203973	11141	3508320385		108		JENLINK #1	S W LAMBERT	11.0	PIONEER GAS PRODU
8203952	11046	3501121605		103		K O PAYNE #1	WATONGA CHICKASHA TREND	720.0	ARKANSAS LOUISIAN
-KENNEDY & MITCHELL INC				RECEIVED: 10/26/81 JA: OK					
8204059	10765	3508721771		103		FRY #26-427	MOCANE-MORROW (18-5N-26E	275.0	COLORADO INTERSTA
8204079	10764	3505920873		103		KLINGER #27-359	LAVERNE-MORROW (12-25N-2	120.0	COLORADO INTERSTA
8204061	10775	3505920988		103		THOMAS #33-473	UNDESIGNATED (5-28N-25W)	550.0	NORTHERN NATURAL
8204062	10776	3505920946		103		THRASHER #31-469	LAVERNE-MORROW	550.0	NORTHERN NATURAL
8204060	10766	3504520813		103		THURMOND #26-421	UNDESIGNATED (25-23N-24W	300.0	NORTHERN NATURAL
-KENNEDY & MITCHELL INC				RECEIVED: 10/27/81 JA: OK					
8203971	10763	3509321683		103		FAIRVIEW #24-404	UNDESIGNATED (4-20N-12W)	75.0	PHILLIPS PETROLEU
8203979	10724	3504321057		103		MOORE #29-469	UNDESIGNATED (C SE 25-18	365.0	PANHANDLE EASTERN
-LEE R ELLER				RECEIVED: 10/27/81 JA: OK					
8203966	11030	3514321091		103		RASBERRY #2	EAST BIRDCREEK	4.5	PHILLIPS PETROLEU
-LEECO OIL CO				RECEIVED: 10/27/81 JA: OK					
8203965	11026	3514320930		103		WILLIAMS #1	SKIATOOK (EAST BIRDCREEK	25.0	PHILLIPS PETROLEU
-LRF CORP				RECEIVED: 10/27/81 JA: OK					
8203943	10859	3506320822		103		DODSON #1	SOUTH DUSTIN	36.0	PUBLIC SERVICE CO
-MAPCO PRODUCTION COMPANY				RECEIVED: 10/27/81 JA: OK					
8204002	10791	3504520869		103		APPEL 29-1	WEST SHATTUCK	100.0	TRANSWESTERN PIPE
-MONSANTO COMPANY				RECEIVED: 10/26/81 JA: OK					
8204102	10941	3504320449		108		BASKETT #1	SOUTH VICI	15.0	TRANSWESTERN PIPE
-NATURAL GAS ANADARKO INC				RECEIVED: 10/27/81 JA: OK					
8203988	10420	3513921363		103		FERGUSON #1-18		48.0	PHILLIPS PETROLEU
-OLD DOMINION OIL CORP				RECEIVED: 10/27/81 JA: OK					
8203980	10937	3507322943		103		HAMIL #1	UNALLOCATED	54.0	PHILLIPS PETROLEU
-P-T LTD 80				RECEIVED: 10/27/81 JA: OK					

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8203951	10801	3504722363		103		BEARD 26-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8203998	10737	3504721925		103		FORBIS BULLER #21-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8203997	10736	3504722232		103		FUKSA BRISCOE #31-2	SOONER TREND	35.0	WELLHEAD ENTERPRI
8203994	09160	3504722328		103		MADDOX #25-1	SOONER TREND	50.0	WELLHEAD ENTERPRI
-PCX CORP				RECEIVED: 10/27/81 JA: OK					
8203983	10816	3507322606		103		SIMMONS #1	SOONER TREND	15.0	PHILLIPS PETROLEU
-PETRO-LEWIS CORPORATION				RECEIVED: 10/27/81 JA: OK					
8203946	09431	3504700000		108		BECKNER 35-1	WAUKOMIS	29.9	PARTNERSHIP PROPE
8203955	09426	3509300000		108		BOEHS 6-1	RINGWOOD	15.7	PARTNERSHIP PROPE
8203948	09433	3509300000		108		BOWMAKER 8-1	AMES SOUTHWEST	42.9	PARTNERSHIP PROPE
8204016	09438	3507300000		108		BROWN 1	WAUKOMIS	25.9	PARTNERSHIP PROPE
8204014	09446	3507300000		108		CURTIS 8-1	LOYAL NW	20.5	PARTNERSHIP PROPE
8204021	09436	3507300000		108		DUANE 20-2	MOUND RIDGE	27.6	UNION TEXAS PETRO
8204019	09442	3507300000		108		FRED 28-1	LOWRANCE	17.9	PARTNERSHIP PROPE
8204015	09437	3507300000		108		HAJEK 14-2	SOONER TREND	0.7	PARTNERSHIP PROPE
8204006	09447	3507300000		108		HILL "A" 4-1	LOYAL SOUTHWEST	44.1	PARTNERSHIP PROPE
8204004	09448	3507300000		108		IRENE 8-1	LOYAL EAST	0.0	PARTNERSHIP PROPE
8204013	09445	3507300000		108		IVEN 13-1	WAUKOMIS	33.8	PARTNERSHIP PROPE
8204017	09439	3507300000		108		J K MCGEE 5-1	DOVER HENNESSY	0.0	PARTNERSHIP PROPE
8204018	09441	3509300000		108		JOHN 12-1	OKEENE NORTH	30.2	PARTNERSHIP PROPE
8203957	09424	3507300000		108		KRAMER A 32-1	LOYAL EAST	24.5	PARTNERSHIP PROPE
8204012	09444	3509300000		108		LORENZ 8-1	WAUKOMIS	40.4	PARTNERSHIP PROPE
8203947	09432	3509300000		108		MAY 36-1	RINGWOOD	7.9	PARTNERSHIP PROPE
8203953	09428	3507300000		108		MYERS 19-2	LOYAL EAST	22.5	PARTNERSHIP PROPE
8203954	09425	3507300000		108		PRATT 29-1	SOONER TREND	0.0	PARTNERSHIP PROPE
8203945	09430	3507300000		108		RICHARDSON 34-2	LYONS	16.0	PARTNERSHIP PROPE
8204011	09443	3507300000		108		STOCK 32-#1	LOYAL EAST	19.9	PARTNERSHIP PROPE
8204020	09434	3507300000		108		THEODORE 8 #1	WAUKOMIS	7.3	PARTNERSHIP PROPE
-PETRO-LEWIS FUNDS INC				RECEIVED: 10/27/81 JA: OK					
8203989	10526	3509320338		108		OLIVER #36-1	SOUTH AMES	0.0	PARTNERSHIP PROPE
8203990	10527	3507320277		108		SANTA 17-1	DOVER (SOONER TREND)	3.0	PARTNERSHIP PROPE
-PETROLEUM RESERVE CORP				RECEIVED: 10/26/81 JA: OK					
8204101	10935	3508120950		103		PARKER 19-1	SOUTH CAPTAIN	73.0	POLL GAS INC
8204100	10934	3508121138		103		PARKER 19-3	SOUTH CAPTAIN	73.0	POLL GAS INC
8204107	10933	3508121058		103		STATE 20-1	SOUTH CAPTAIN	73.0	POLL GAS INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 10/26/81 JA: OK					
8204065	10900	3513900000		108		BERGNER B #1	GUYMON HUGOTON	0.0	MICHIGAN WISCONSI
8204064	10898	3513900000		108		JOLSEN #1	GUYMON HUGOTON	0.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 10/27/81 JA: OK					
8203963	11104	3504721621		103		KOSTED "B" #2	SOONER TREND	27.0	TRANSOK PIPE LINE
8203961	11102	3504721307		103		KOSTED A #1	SOONER TREND	60.0	TRANSOK PIPE LINE
8203962	11103	3504721318		103		LICHTENBERG C EST #1	SOONER TREND	70.0	TRANSOK PIPE LINE
8203960	11097	3504721607		103		LICHTENBERG EST #2	SOONER TREND	140.0	TRANSOK PIPE LINE
8203984	10833	3501721355		108		MCCARTHY C #1	N CONCHO	15.0	PANHANDLE EASTERN
-RINCON RESOURCES CORP				RECEIVED: 10/27/81 JA: OK					
8204010	14349	3505320689		103		HALL #1	SE SALT FORK	200.0	CRA INC
-ROBINSON BROS DRILLING CO INC				RECEIVED: 10/27/81 JA: OK					
8203974	14087	3501521184		102-2		CODI 31-1	E EAKLY	3000.0	DELHI GAS PIPELIN
-S G HILL				RECEIVED: 10/27/81 JA: OK					
8203996	10850	3511122572		103		HILL #2	BEGGS	13.6	PHILLIPS PETROLEU
-SPELLER OIL CORP				RECEIVED: 10/27/81 JA: OK					
8203970	10876	3508300000		103		TRACI 20-1	SOONER TREND	72.0	CONOCO INC
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 10/26/81 JA: OK					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204067	10931	3511921266		103		BROYLES UNIT TR 3 #14	BROYLES	182.0	CITIES SERVICE GA
8204106	10932	3508321467		103		TIPPY MCGINTY #3	CRESCENT-LOVELL	111.0	EASON OIL CO
-SUN OIL COMPANY (DELAWARE)				RECEIVED: 10/27/81 JA: OK					
8203978	10445	3500721878		103		GEORGE S SARGENT GAS UNIT A #5	CAMRICK	215.0	NATURAL GAS PIPEL
-SUNDANCE ENERGY CORP				RECEIVED: 10/27/81 JA: OK					
8203939	10925	3504722439		103		EDIGER #1A	W DOUGLAS	111.0	ONG WESTERN INC
-SWINDLER OIL CORP				RECEIVED: 10/26/81 JA: OK					
8204071	10878	3511721045		103		DAVENPORT #1	CLEVELAND	120.0	PHILLIPS PETROLEU
-TEXACO INC				RECEIVED: 10/26/81 JA: OK					
8204055	11008	3508520425		103		TIPPIT TRUST #2	ENVILLE S W	36.0	CIMARRON TRANSMIS
-TEXAS OIL & GAS CORP				RECEIVED: 10/26/81 JA: OK					
8204103	10976	3507322812		103		BLUNK #1	SOONER TREND	127.0	
-THE WIL-MC OIL CORP				RECEIVED: 10/26/81 JA: OK					
8204095	10985	3510320751		103		CITY OF PERRY #4	FOURDEE	7.8	ARCO OIL & GAS CO
-UNIVERSAL RESOURCES CORPORATION				RECEIVED: 10/27/81 JA: OK					
8203967	11055	3501721733		103		A D #1-16	N W RICHLAND	209.9	MUSTANG FUEL CORP
-VIERSEN & COCHRAN				RECEIVED: 10/26/81 JA: OK					
8204076	10978	3507321999		103		FOX #1-24	SOONER TREND	5.0	EASON OIL CO
8204075	10977	3508320844		103		HOPFER #1-15	W MULHALL	5.0	EASON OIL CO
-WILLIS EXPLORATION INC				RECEIVED: 10/27/81 JA: OK					
8203940	10927	3510920427		103		WINDS WEST #2	EAST MUSTANG	90.0	MOBIL OIL CORP
**********									
** U.S. GEOLOGICAL SURVEY - DENVER,CO									
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-ANADARKO PRODUCTION COMPANY				RECEIVED: 10/26/81 JA: CO 1					
8204046	CD 0372-81	0508106423		102-2		BLACK MOUNTAIN FEDERAL A-1	BLACK MOUNTAIN FEDERAL A	4.0	MOUNTAIN FUEL SUP
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED: 10/26/81 JA: CO 1					
8204048	CD 0378-81	0510308585		103		P-35-3-101-S	CATHEDRAL	96.0	NORTHWEST PIPELIN
8204048	CD 0378-81	0510308585		107-TF		P-35-3-101-S	CATHEDRAL	96.0	NORTHWEST PIPELIN
-GETTY OIL COMPANY				RECEIVED: 10/26/81 JA: CO 1					
8204047	CD 0371-81	0506705170		108-ER		SAM BURCH #2	IGNACIO BLANCO MESAVERDE	18.0	EL PASO NATURAL G
-NORTHWEST EXPLORATION COMPANY				RECEIVED: 10/26/81 JA: CO 1					
8204045	CD 0374-81	0510307704		108		PHILADELPHIA CREEK #1	CATHEDRAL	8.0	NORTHWEST PIPELIN
-SOUTHLAND ROYALTY CO				RECEIVED: 10/26/81 JA: CO 1					
8204039	CD 0267-81	0510308073		103		FEDERAL #1-29	EAST DOUGLAS CREEK	38.0	NORTHWEST PIPELIN
8204040	CD 0268-81	0510308074		103		FEDERAL #1-32	EAST DOUGLAS CREEK	28.0	NORTHWEST PIPELIN
-CONOCO INC				RECEIVED: 10/26/81 JA: UT 1					
8204038	UD0367-81	4304730675		107-TF		CONOCO CESSPOOCH 5 #14	OURAY	170.0	MOUNTAIN FUEL SUP
8204037	UD0368-81	4304730726		103		CONOCO JENKS 5 #11	OURAY	190.0	MOUNTAIN FUEL SUP
8204037	UD0368-81	4304730726		107-TF		CONOCO JENKS 5 #11	OURAY	190.0	MOUNTAIN FUEL SUP
8204036	UD0366-81	4304730666		107-TF		CONOCO UTE TRIBAL 35 #16	OURAY	130.0	MOUNTAIN FUEL SUP
-SUPRON ENERGY CORPORATION				RECEIVED: 10/26/81 JA: UT 1					
8204035	UD0042-81	4301930566		103		F-1-20-21 #1	WILDCAT	296.0	NORTHWEST PIPELIN
-TENNECO OIL COMPANY				RECEIVED: 10/26/81 JA: UT 1					
8204034	UD0302-81	4301930773		103		WINTER CAMP UNIT USA #7-14	BRYSON CANYON	150.0	SOUTHWEST GAS COR
-TEXACO INC				RECEIVED: 10/26/81 JA: UT 1					
8204041	UD 0359-81	4303730409		103		ANETH UNIT #F-136	ANETH	64.0	EL PASO NATURAL G
8204044	UD 0355-81	4303730425		103		ANETH UNIT #G-122	ANETH	33.0	EL PASO NATURAL G
8204043	UD 0361-81	4303730644		103		ANETH UNIT #H-128	ANETH	26.5	EL PASO NATURAL G
8204042	UD 0360-81	4303730649		103		ANETH UNIT #M-136	ANETH	32.0	EL PASO NATURAL G
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** U.S. GEOLOGICAL SURVEY - CASPER,WY									
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-MIDLANDS GAS CORPORATION				RECEIVED: 08/06/81 JA: MT 5					

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204027	M-124-1	2507121468		108		1241 123431	BOWDOIN	21.0	KANSAS-NEBRASKA N
8204023	M14-1	2507121200		108		1913 FEDERAL 1	BOWDOIN	22.0	KANSAS-NEBRASKA N
-DOME PETROLEUM CORP				RECEIVED: 08/06/81 JA: ND 5					
8204030	ND211-1	3305301195		102-2		DOME FEDERAL #4-35	MON DAK	13.2	SHELL OIL CO
8204031	ND212-1	3305301181		102-2		DOME FEDERAL 2-17	MON-DAK	12.3	SHELL OIL CO
-SHELL OIL CO				RECEIVED: 08/06/81 JA: ND 5					
8204025	ND71-1	3305301001		102-4		USA 14-22-56	MONDAK	10.0	MONTANA DAKOTA UT
8204026	ND113-1	3305300980		102-4		USA 24-32-50	MONDAK	10.0	MONTANA DAKOTA UT
-TENNECO OIL COMPANY				RECEIVED: 08/06/81 JA: ND 5					
8204033	ND214-1	3300700520		102-2		MEE USA #2-17	BIG STICK	300.0	WESTERN GAS PROCE
-BURLINGTON NORTHERN INC				RECEIVED: 08/06/81 JA: WY 5					
8204024	W61-1	4902720336		102-4		13-17 FEDERAL D	BUCK CREEK	200.0	PHILLIPS PETROLEU
-KOCH INDUSTRIES INC				RECEIVED: 08/06/81 JA: WY 5					
8204028	W196-1	4901321006		107-DP		LYSITE #1-15	MADDEN AREA	50.0	MICHIGAN-WISCONSI
-NATURAL GAS CORPORATION OF CALIF				RECEIVED: 08/06/81 JA: WY 5					
8204032	W213-1	4902320410		103		FEDERAL 34-9	FONTENELLE II	117.0	PACIFIC GAS TRANS
-TIPPERARY OIL AND GAS CORP				RECEIVED: 08/06/81 JA: WY 5					
8204022	W551-0	4904320422		102-4		FEDERAL 3-35	FOURTEEN MILE	500.0	NORTHWEST PIPELIN
-W A MONCRIEF JR				RECEIVED: 08/06/81 JA: WY 5					
8204029	W206-1	4901320967		107-DP		LONG BUTTE UNIT 31-2	LYSITE	310.3	MICHIGAN WISCONSI

OTHER PURCHASERS VOLUME NO 0542

8203941 PANHANDLE EASTERN P L CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 22, 1981.

Categories within each NGPA section are indicated by the following codes:

Section:
102-1: New OCS lease
102-2: New well (2.5 mile rule)
102-3: New well (1000 ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
Section:
107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal seams
107-DV: Devonian shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section:
108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-35015 Filed 12-4-81; 8:45 am]
BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-A L HERNDEN & MORRIS CANNAN				RECEIVED: 10/29/81 JA: TX					
8204109	F-02-011466	4202500000		102-4		GOREE #1	GOREE (7900*)	182.5	TEXAS EASTERN TRA
-AGOIL INC				RECEIVED: 10/29/81 JA: TX					
8204343	F-02-041288	4246931547		103		BAUER #1	MCFADDIN NORTH (6000)	36.0	UNITED GAS PIPE L
-AMCOLE ENERGY CORP				RECEIVED: 10/29/81 JA: TX					
8204230	F-08-038606	4200300000		103		PARK #7	MEANS	50.0	PHILLIPS PETROLEU
-AMERICAN QUASAR PETROLEUM CO				RECEIVED: 10/29/81 JA: TX					
8204208	F-08-037167	4247532295		102-4		EDWARDS #2	MARSTON RANCH (CLEARFORK	0.0	
-AMMEX PETROLEUM INC				RECEIVED: 10/29/81 JA: TX					
8204117	F-03-025403	4205130527		102-2		BIRCH CREEK RANCH #2	GIDDINGS (AUSTIN CHALK)	108.0	CLAJON GAS CO
8204117	F-03-025403	4205130527		103		BIRCH CREEK RANCH #2	GIDDINGS (AUSTIN CHALK)	108.0	CLAJON GAS CO
8204122	F-03-025997	4205130541		102-2		JENNIFER ANN UNIT #1	GIDDINGS (AUSTIN CHALK)	128.5	CLAJON GAS CO
8204122	F-03-025997	4205130541		103		JENNIFER ANN UNIT #1	GIDDINGS (AUSTIN CHALK)	128.5	CLAJON GAS CO
8204114	F-03-025342	4205130667		102-2		RENEE UNIT #1	GIDDINGS (AUSTIN CHALK)	140.0	CLAJON GAS CO
8204114	F-03-025342	4205130667		103		RENEE UNIT #1	GIDDINGS (AUSTIN CHALK)	140.0	CLAJON GAS CO
8204119	F-03-025837	4214930391		102-2		WALDECK UNIT #1	GIDDINGS (AUSTIN CHALK)	144.0	CLAJON GAS CO
8204119	F-03-025837	4214930391		103		WALDECK UNIT #1	GIDDINGS (AUSTIN CHALK)	144.0	CLAJON GAS CO
-AMOCO PRODUCTION CO				RECEIVED: 10/29/81 JA: TX					
8204340	F-08-041281	*4200332513		103		BLK 9 FUHRMAN MASCHO UT #104	FUHRMAN-MASCHO	8.4	PHILLIPS PETROLEU
8204341	F-08-041282	4213533470		103		GOLDSMITH LANDRETH DEEP UT #238	GOLDSMITH (CLEARFORK)	2.2	PHILLIPS PETROLEU
8204368	F-08-041381	4213533382		103		J L JOHNSON "A" #25	COWDEN SOUTH (CANYON 879	7.6	WESTAR TRANSMISSI
-ANDERSON PETROLEUM INC				RECEIVED: 10/29/81 JA: TX					
8204215	F-7C-037600	4243532441		103		PAULINE FRIESS C 3-111	SAWYER (CANYON)	35.0	SUTTON COUNTY PIP
8204215	F-7C-037600	4243532441		107-TF		PAULINE FRIESS C 3-111	SAWYER (CANYON)	35.0	SUTTON COUNTY PIP
8204214	F-7C-037599	4243532500		103		PAULINE FRIESS D1 1-7	SAWYER (CANYON)	125.0	ANDERSON PIPELINE
8204214	F-7C-037599	4243532500		107-TF		PAULINE FRIESS D1 1-7	SAWYER (CANYON)	125.0	ANDERSON PIPELINE
8204196	F-7C-036197	4210533226		103		SARAH C MILLSPAUGH B2 2-16	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
8204196	F-7C-036197	4210533226		107-TF		SARAH C MILLSPAUGH B2 2-16	OZONA (CANYON SAND)	50.0	ANDERSON PIPELINE
-ARCO OIL AND GAS COMPANY				RECEIVED: 10/29/81 JA: TX					
8204376	F-10-041417	4217930906		103		COMBS-WORLEY "F" #1	PANHANDLE GRAY	29.2	PHILLIPS PETROLEU
8204347	F-7C-041321	4223531752		103		J R SCOTT EST 74 #7	SPRAYBERRY TREND AREA	21.6	J L DAVIS
8204339	F-8A-041276	4250132055		103		WAPLES PLATTER TG A #1	OWNBY (CLEARFORK UPPER)	9.5	AMOCO PRODUCTION
-ARKANSAS LOUISIANA GAS CO				RECEIVED: 10/29/81 JA: TX					
8204259	F-06-039951	4231530546		102-4		BRADEN #4	RODESSA	18.0	ARKANSAS LOUISIAN
8204259	F-06-039951	4231530546		107-TF		BRADEN #4	RODESSA	18.0	ARKANSAS LOUISIAN
-ARKLA EXPLORATION COMPANY				RECEIVED: 10/29/81 JA: TX					
8204251	F-06-039786	4236531190		103		HEMBY #1	TATUM NORTH	140.0	ARKANSAS LOUISIAN
8204251	F-06-039786	4236531190		107-TF		HEMBY #1	TATUM NORTH	140.0	ARKANSAS LOUISIAN
-ART MACHIN & ASSOCIATES INC				RECEIVED: 10/29/81 JA: TX					
8204276	F-05-040430	4234931431		102-2		BREITHAUPT #1	CHENNEYBORO (COTTON VALL	108.0	INTRASTATE GAS TR
8204276	F-05-040430	4234931431		107-TF		BREITHAUPT #1	CHENNEYBORO (COTTON VALL	108.0	INTRASTATE GAS TR

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JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BEAL OPERATING			RECEIVED: 10/29/81 JA: TX				
8204189	F-7B-034881	4208331952	102-4	T GRIFFIS #1 (91322)	CATTHE (MORRIS)	121.0	ODESSA NATURAL CO
-BLUE RIDGE OIL & GAS EXPLOR INC			RECEIVED: 10/29/81 JA: TX				
8204134	F-7C-031056	4210532553	102-2	A PHILLIPS #23			
8204134	F-7C-031056	4210532553	107-TF	A PHILLIPS #23	ADAMS-BAGGETT RANCH (CAN	98.4	DETROIT-TEXAS GAS
8204135	F-7C-031061	4210532652	103	A PHILLIPS #28	ADAMS-BAGGETT RANCH (CAN	98.4	DETROIT-TEXAS GAS
8204135	F-7C-031061	4210532652	107-TF	A PHILLIPS #28	ADAMS-BAGGETT RANCH (CAN	34.7	DETROIT-TEXAS GAS
8204136	F-7C-031062	4210532653	103	A PHILLIPS #29	ADAMS-BAGGETT RANCH (CAN	34.7	DETROIT-TEXAS GAS
8204136	F-7C-031062	4210532653	107-TF	A PHILLIPS #29	ADAMS-BAGGETT RANCH (CAN	17.0	DETROIT-TEXAS GAS
8204137	F-7C-031063	4210532654	103	A PHILLIPS #30	ADAMS-BAGGETT RANCH (CAN	17.0	DETROIT-TEXAS GAS
8204137	F-7C-031063	4210532654	107-TF	A PHILLIPS #30	ADAMS-BAGGETT RANCH (CAN	24.7	DETROIT-TEXAS GAS
8204138	F-7C-031064	4210532655	103	A PHILLIPS #31	ADAMS-BAGGETT RANCH (CAN	24.7	DETROIT-TEXAS GAS
8204138	F-7C-031064	4210532655	107-TF	A PHILLIPS #31	ADAMS-BAGGETT RANCH (CAN	28.2	DETROIT-TEXAS GAS
8204139	F-7C-031065	4210532656	103	A PHILLIPS #32	ADAMS-BAGGETT RANCH (CAN	28.2	DETROIT-TEXAS GAS
8204139	F-7C-031065	4210532656	107-TF	A PHILLIPS #32	ADAMS-BAGGETT RANCH (CAN	31.1	DETROIT-TEXAS GAS
8204140	F-7C-031066	4210532657	103	A PHILLIPS #33	ADAMS-BAGGETT RANCH (CAN	31.1	DETROIT-TEXAS GAS
8204140	F-7C-031066	4210532657	107-TF	A PHILLIPS #33	ADAMS-BAGGETT RANCH (CAN	28.6	DETROIT-TEXAS GAS
8204141	F-7C-031067	4210532658	103	A PHILLIPS #34	ADAMS-BAGGETT RANCH (CAN	28.6	DETROIT-TEXAS GAS
8204141	F-7C-031067	4210532658	107-TF	A PHILLIPS #34	ADAMS-BAGGETT RANCH (CAN	26.6	DETROIT-TEXAS GAS
8204142	F-7C-031068	4210532659	103	A PHILLIPS #35	ADAMS-BAGGETT RANCH (CAN	26.6	DETROIT-TEXAS GAS
8204142	F-7C-031068	4210532659	107-TF	A PHILLIPS #35	ADAMS-BAGGETT RANCH (CAN	13.2	DETROIT-TEXAS GAS
8204143	F-7C-031069	4210532660	103	A PHILLIPS #36	ADAMS-BAGGETT RANCH (CAN	13.2	DETROIT-TEXAS GAS
8204143	F-7C-031069	4210532660	107-TF	A PHILLIPS #36	ADAMS-BAGGETT RANCH (CAN	10.5	DETROIT-TEXAS GAS
8204144	F-7C-031070	4210532661	103	A PHILLIPS #37	ADAMS-BAGGETT RANCH (CAN	10.5	DETROIT-TEXAS GAS
8204144	F-7C-031070	4210532661	107-TF	A PHILLIPS #37	ADAMS-BAGGETT RANCH (CAN	44.4	DETROIT-TEXAS GAS
8204145	F-7C-031071	4210532662	102-2	A PHILLIPS #38	ADAMS-BAGGETT RANCH (CAN	44.4	DETROIT-TEXAS GAS
8204145	F-7C-031071	4210532662	107-TF	A PHILLIPS #38	ADAMS-BAGGETT RANCH CANY	24.4	DETROIT-TEXAS GAS
8204146	F-7C-031078	4210532669	102-2	A PHILLIPS #45	ADAMS-BAGGETT RANCH CANY	24.4	DETROIT-TEXAS GAS
8204146	F-7C-031078	4210532669	107-TF	A PHILLIPS #45	ADAMS-BAGGETT RANCH (CAN	19.7	DETROIT-TEXAS GAS
8204147	F-7C-031079	4210532670	102-2	A PHILLIPS #46	ADAMS-BAGGETT RANCH (CAN	19.7	DETROIT-TEXAS GAS
8204147	F-7C-031079	4210532670	107-TF	A PHILLIPS #46	ADAMS-BAGGETT RANCH (CAN	14.7	DETROIT-TEXAS GAS
8204171	F-7C-033436	4210532888	102-2	A PHILLIPS #49	ADAMS-BAGGETT RANCH (CAN	14.7	DETROIT-TEXAS GAS
8204171	F-7C-033436	4210532888	107-TF	A PHILLIPS #49	ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
8204172	F-7C-033437	4210532881	102-2	A PHILLIPS #50	ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
8204172	F-7C-033437	4210532881	107-TF	A PHILLIPS #50	ADAMS-BAGGETT RANCH (CAN	27.9	DETROIT-TEXAS GAS
8204173	F7-C-033437	4210532882	102-2	A PHILLIPS #51	ADAMS-BAGGETT RANCH (CAN	27.9	DETROIT-TEXAS GAS
8204173	F7-C-033437	4210532882	107-TF	A PHILLIPS #51	ADAMS-BAGGETT RANCH (CAN	37.8	DETROIT-TEXAS GAS
8204174	F-7C-033439	4210532950	102-2	A PHILLIPS #52	ADAMS-BAGGETT RANCH (CAN	37.8	DETROIT-TEXAS GAS
8204174	F-7C-033439	4210532950	107-TF	A PHILLIPS #52	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204163	F-7C-033428	4210533106	103	ADAMS #10	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204163	F-7C-033428	4210533106	107-TF	ADAMS #10	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204164	F-7C-033429	4210533107	103	ADAMS #11	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204164	F-7C-033429	4210533107	107-TF	ADAMS #11	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204165	F-7C-033430	4210533108	103	ADAMS #12	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204165	F-7C-033430	4210533108	107-TF	ADAMS #12	ADAMS-BAGGETT RANCH (CAN	40.8	DETROIT-TEXAS GAS
8204166	F-7C-033431	4210533147	103	ADAMS #13	ADAMS-BAGGETT RANCH (CAN	40.8	DETROIT-TEXAS GAS
8204166	F-7C-033431	4210533147	107-TF	ADAMS #13	ADAMS-BAGGETT RANCH (CAN	27.6	DETROIT-TEXAS GAS
8204167	F-7C-033432	4210533148	103	ADAMS #14	ADAMS-BAGGETT RANCH (CAN	27.6	DETROIT-TEXAS GAS
8204167	F-7C-033432	4210533148	107-TF	ADAMS #14	ADAMS-BAGGETT RANCH (CAN	33.0	DETROIT-TEXAS GAS
8204168	F-7C-033433	4210533149	103	ADAMS #15	ADAMS-BAGGETT RANCH (CAN	33.0	DETROIT-TEXAS GAS
8204168	F-7C-033433	4210533149	107-TF	ADAMS #15	ADAMS-BAGGETT RANCH (CAN	34.8	DETROIT-TEXAS GAS
8204169	F-7C-033434	4210533150	103	ADAMS #16	ADAMS-BAGGETT RANCH (CAN	34.8	DETROIT-TEXAS GAS
8204169	F-7C-033434	4210533150	107-TF	ADAMS #16	ADAMS-BAGGETT RANCH (CAN	29.4	DETROIT-TEXAS GAS
					ADAMS-BAGGETT RANCH (CAN	29.4	DETROIT-TEXAS GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204170	F-7C-033435	4210533151		103		ADAMS #17	ADAMS-BAGGETT RANCH (CAN	33.9	DETROIT-TEXAS GAS
8204170	F-7C-033435	4210533151		107-TF		ADAMS #17	ADAMS-BAGGETT RANCH (CAN	33.9	DETROIT-TEXAS GAS
8204148	F-7C-031081	4210532287		103		ADAMS #2	ADAMS-BAGGETT RANCH (CAN	13.2	DETROIT-TEXAS GAS
8204148	F-7C-031081	4210532287		107-TF		ADAMS #2	ADAMS-BAGGETT RANCH (CAN	13.2	DETROIT-TEXAS GAS
8204157	F-7C-033422	4210533018		103		ADAMS #4	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204157	F-7C-033422	4210533018		107-TF		ADAMS #4	ADAMS-BAGGETT RANCH (CAN	31.2	DETROIT-TEXAS GAS
8204158	F-7C-033423	4210533019		103		ADAMS #5	ADAMS-BAGGETT RANCH (CAN	36.3	DETROIT-TEXAS GAS
8204158	F-7C-033423	4210533019		107-TF		ADAMS #5	ADAMS-BAGGETT RANCH (CAN	36.3	DETROIT-TEXAS GAS
8204159	F-7C-033424	4210533068		103		ADAMS #6-A	ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
8204159	F-7C-033424	4210533068		107-TF		ADAMS #6-A	ADAMS-BAGGETT RANCH (CAN	30.0	DETROIT-TEXAS GAS
8204160	F-7C-033425	4210533104		103		ADAMS #7	ADAMS-BAGGETT RANCH (CAN	45.6	DETROIT-TEXAS GAS
8204160	F-7C-033425	4210533104		107-TF		ADAMS #7	ADAMS-BAGGETT RANCH (CAN	45.6	DETROIT-TEXAS GAS
8204161	F-7C-033426	4210533110		103		ADAMS #8	ADAMS-BAGGETT RANCH (CAN	28.8	DETROIT-TEXAS GAS
8204161	F-7C-033426	4210533110		107-TF		ADAMS #8	ADAMS-BAGGETT RANCH (CAN	28.8	DETROIT-TEXAS GAS
8204162	F-7C-033427	4210533105		103		ADAMS #9	ADAMS-BAGGETT RANCH (CAN	27.0	DETROIT-TEXAS GAS
8204162	F-7C-033427	4210533105		107-TF		ADAMS #9	ADAMS-BAGGETT RANCH (CAN	27.0	DETROIT-TEXAS GAS
-BOB T MILLER				RECEIVED: 10/29/81 JA: TX					
8204380	F-7B-041435	4242932636		103		FISHBACK #1 16744	LANGFORD (DUFFER)	40.0	WARREN PETROLEUM
-BORDER EXPLORATION CO				RECEIVED: 10/29/81 JA: TX					
8204298	F-7B-04844	4214330712		103		C W MAULDIN A G U 2-P	X-RAY (MARBLE FALLS)	16.0	VALERO TRANSMISSI
8204297	F-7B-040843	4214330713		103		VIRGIL GORDON G U 2-P	X-RAY (MARBLE FALLS)	9.0	VALERO TRANSMISSI
-C & K PETROLEUM INC				RECEIVED: 10/29/81 JA: TX					
8204261	F-7C-039963	4223531690		103		CLARK 10 #1	TAOS (FUSSELMAN)	15.0	
-C F LAWRENCE & ASSOC INC				RECEIVED: 10/29/81 JA: TX					
8204118	F-08-025552	4210500800		103		HALFF 64 W #1	ONLAW (QUEEN)	94.0	APACHE GAS CORP
-CAL-TEX OIL CO				RECEIVED: 10/29/81 JA: TX					
8204219	F-10-037782	4223300000		108		H W CARVER -A- (01112) #2	PANHANDLE HUTCHINSON COU	0.0	DIAMOND SHAMROCK
-CA-TEX PETROLEUM INC				RECEIVED: 10/29/81 JA: TX					
8204207	F-09-037633	4200933755		102-2		MCGLOTHIN #3 RRC #19007	ARCHER COUNTY REGULAR	12.8	MID STATES GAS CO
-CARTER EXPLORATION CO				RECEIVED: 10/29/81 JA: TX					
8204379	F-02-041430	4202531446		103		RUTH HARTZENDORF #1	SLIVA WEST (HET 3RD)	200.0	VALERO TRANSMISSI
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 10/29/81 JA: TX					
8204183	F-03-034539	4205100000		102-2		ALBERT FAUST #1	GIDDINGS	0.0	FERGUSON CROSSING
8204183	F-03-034539	4205100000		103		ALBERT FAUST #1	GIDDINGS	0.0	FERGUSON CROSSING
8204124	F-03-026542	4205100000		102-2		ALFONZO BERAN #1	GIDDINGS (AUSTIN CHALK)	0.0	FERGUSON CROSSING
8204184	F-03-034542	4205100000		102-2		ALLEN RHODES #1	GIDDINGS	0.0	FERGUSON CROSSING
8204184	F-03-034542	4205100000		103		ALLEN RHODES #1	GIDDINGS	0.0	FERGUSON CROSSING
8204198	F-03-036279	4205100000		102-2		D D LIGHTSEY #1	GIDDINGS	0.0	FERGUSON CROSSING
8204198	F-03-036279	4205100000		103		D D LIGHTSEY #1	GIDDINGS	0.0	FERGUSON CROSSING
8204113	F-03-025153	4205100000		102-2		DANIEL POEHL #1	GIDDINGS	0.0	FERGUSON CROSSING
8204240	F-05-039215	4205100000		102-2		EDWIN ZGABAY C #1	GIDDINGS	0.0	FERGUSON CROSSING
8204240	F-05-039215	4205100000		103		EDWIN ZGABAY C #1	GIDDINGS	0.0	FERGUSON CROSSING
8204203	F-03-036783	4205100000		102-2		HELMUS LOEHR #1	GIDDINGS	0.0	FERGUSON CROSSING
8204203	F-03-036783	4205100000		103		HELMUS LOEHR #1	GIDDINGS	0.0	FERGUSON CROSSING
8204308	F-08-041016	4243130993		103		I W TERRY #11	CONGER SW (PENN)	188.0	NORTHERN NATURAL
8204197	F-03-036278	4205100000		102-2		J L JUNEK #1	GIDDINGS	0.0	FERGUSON CROSSING
8204197	F-03-036278	4205100000		103		J L JUNEK #1	GIDDINGS	0.0	FERGUSON CROSSING
8204111	F-03-024797	4205100000		102-2		JUNELL BRINKMAN #1	GIDDINGS	56.9	FERGUSON CROSSING
8204193	F-03-035794	4205100000		102-2		L ALBRIGHT #1	GIDDINGS	0.0	FERGUSON CROSSING
8204193	F-03-035794	4205100000		103		L ALBRIGHT #1	GIDDINGS	0.0	FERGUSON CROSSING
8204110	F-03-024796	4205100000		102-2		L J KOCUREK #1	GIDDINGS	105.9	FERGUSON CROSSING
8204149	F-03-031383	4205130748		102-2		LEON A KRUEGER #1	GIDDINGS	9.1	FERGUSON CROSSING
8204149	F-03-031383	4205130748		103		LEON A KRUEGER #1	GIDDINGS	9.1	FERGUSON CROSSING

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204128	F-06-029079	4220330738		103		R SYPERT #1	SABINE S E	288.0	HYDROCARBON TRANS
8204128	F-06-029079	4220330738		107-TF		R SYPERT #1	SABINE S E	288.0	HYDROCARBON TRANS
8204190	F-03-035014	4205100000		102-2		WILLIAM A LANGE #2	GIDDINGS	0.0	FERGUSON CROSSING
8204190	F-03-035014	4205100000		103		WILLIAM A LANGE #2	GIDDINGS	0.0	FERGUSON CROSSING
-CHEVRON U S A INC				RECEIVED: 10/29/81 JA: TX					
8204383	F-08-041446	4200332503		103		COLUMBUS GRAY 21 #19	FUHRMAN MASCHO	117.0	PHILLIPS PETROLEU
8204384	F-08-041447	4200332662		103		COLUMBUS GRAY 21 #21	FUHRMAN MASCHO	53.0	PHILLIPS PETROLEU
8204333	F-08-041230	4249531149		103		W E BAIRD 12-48C	KEYSTONE (CLEARFORK)	4.3	TRANSWESTERN PIPE
8204332	F-08-041229	4249531220		103		W E BAIRD 12-49C	KEYSTONE (CLEARFORK)	7.3	TRANSWESTERN PIPE
8204334	F-08-041231	4249531221		103		W E BAIRD 12-50C	KEYSTONE (CLEARFORK)	35.7	TRANSWESTERN PIPE
8204322	F-08-041212	4249531222		103		W E BAIRD 12-51C	KEYSTONE (CLEARFORK)	10.9	TRANSWESTERN PIPE
8204335	F-08-041232	4249531223		103		W E BAIRD 13-75C	KEYSTONE (CLEARFORK)	43.8	TRANSWESTERN PIPE
8204323	F-08-041213	4249531224		103		W E BAIRD 19-48C	KEYSTONE (CLEARFORK)	45.6	TRANSWESTERN PIPE
8204324	F-08-041215	4249531211		103		W E BAIRD 19-49C	KEYSTONE (CLEARFORK)	44.5	TRANSWESTERN PIPE
-CLAYTON W WILLIAMS JR				RECEIVED: 10/29/81 JA: TX					
8204187	F-03-034774	4205100000		102-2		EVIE SORSBY UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8204224	F-03-038170	4205100000		102-2		GEORGE CHMELAR #2	GIDDINGS	0.0	VALERO TRANSMISSI
8204216	F-03-037627	4205100000		102-2		J R SIMPSON UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8204204	F-03-036833	4205100000		102-2		JERRY BENTON #1	GIDDINGS	0.0	VALERO TRANSMISSI
8204194	F-03-035969	4205100000		102-2		JOE ADAMEK #1	GIDDINGS	0.0	VALERO TRANSMISSI
8204225	F-03-038171	4205100000		102-2		RUST-GRAHAM UNIT #1	GIDDINGS	0.0	VALERO TRANSMISSI
8204205	F-03-036959	4205100000		102-2		SMIRLEY CHMELAR #1	GIDDINGS	0.0	VALERO TRANSMISSI
-COBRA OIL AND GAS CORPORATION				RECEIVED: 10/29/81 JA: TX					
8204201	F-03-036605	4214900000		102-2		BARNETT UNIT #1	GIDDINGS	27.0	PHILLIPS PETROLEU
8204201	F-03-036605	4214900000		103		BARNETT UNIT #1	GIDDINGS	27.0	PHILLIPS PETROLEU
8204200	F-03-036602	4214900000		102-2		WEBB #1	GIDDINGS	25.2	PHILLIPS PETROLEU
8204200	F-03-036602	4214900000		103		WEBB #1	GIDDINGS	25.2	PHILLIPS PETROLEU
-COLOGNE PRODUCTION CO				RECEIVED: 10/29/81 JA: TX					
8204295	F-02-040772	4246931765		102-4		HENRY HORADAM #2	COLOGNE (4540')	100.0	HOUSTON PIPE LINE
-COMINCO AMERICAN INC				RECEIVED: 10/29/81 JA: TX					
8204249	F-10-039665	4235700000		108		HARBAUGH #1	LIPS (MORROW)	0.0	DIAMOND SHAMROCK
-CONDCO INC				RECEIVED: 10/29/81 JA: TX					
8204247	F-04-039491	4250531078		107-TF		SANCHEZ-MCMURREY #2	HUNDIDO (LOBO)	800.0	TRANSCONTINENTAL
-CORPUS CHRISTI OIL AND GAS CO				RECEIVED: 10/29/81 JA: TX					
8204311	F-04-041120	4200730680		102-4		STATE TRACT 163 #1	NINE MILE POINT E (FRIO	0.0	CHANNEL INDUSTRIE
-COTTON PETROLEUM CORPORATION				RECEIVED: 10/29/81 JA: TX					
8204348	F-10-041329	4229500000		108		STABEL UNIT #1	BRADFORD/CLEVELAND	0.0	DIAMOND SHAMROCK
-CROMERA OIL & GAS CO				RECEIVED: 10/29/81 JA: TX					
8204177	F-09-033861	4223733260		103		HELEN SOOOWSKY #2 ID-19003	ARCO (CONGL)	181.2	SOUTHWESTERN GAS
-DELTA OIL & GAS CO				RECEIVED: 10/29/81 JA: TX					
8204364	F-78-041370	4242900000		108		J L HOLT #2 RRC #15061	PIT-ROM (CONGL ZONE A)	5.1	LONE STAR GAS CO
-DESOTO OPERATING CO				RECEIVED: 10/29/81 JA: TX					
8204228	F-78-038487	4209330822		103		HADLEY-SCOTT #1	COMANCHE COUNTY REGULAR	100.0	BURK ROYALTY CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED: 10/29/81 JA: TX					
8204374	F-10-041408	4229530918		103		VALENTINE SCHOENHALS #2	LIPSCOMB	440.0	
8204373	F-10-041407	4229530927		103		VALENTINE SCHOENHALS A #2	LIPSCOMB	113.6	
8204319	F-10-041206	4239330804		103		VERNON M FLOWERS EST #5-LT	MENDOTA NW	440.0	
8204320	F-10-041207	4239330804		103		VERNON M FLOWERS EST #5-UT	MENDOTA NW	12.0	
8204372	F-10-041406	4229530923		103		WALLACE HAMKER #2-589	NORTHRUP	242.0	
-DISCOVERY OPERATING INC				RECEIVED: 10/29/81 JA: TX					
8204363	F-08-041369	4231732300		103		HOLCOMB #1	SPRABERRY (TREND AREA)	12.6	PHILLIPS PETROLEU
-ECHO PRODUCTION INC				RECEIVED: 10/29/81 JA: TX					
8204273	F-09-040374	4223733507		103		BOLEY #1	PERRIN EAST (CONGL 5400)	72.0	TEXAS UTILITIES F

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-EL PASO NATURAL GAS COMPANY				RECEIVED: 10/29/81 JA: TX					
8204188	F-10-034856	4208700000		108-ER		SANDERS #2	PANHANDLE EAST	0.0	EL PASO NATURAL G
8204121	F-10-025986	4221100000		108-ER		URSCHEL #1	CANADIAN NE DOUGLAS	0.0	EL PASO NATURAL G
-ESENJAY PETROLEUM CORP				RECEIVED: 10/29/81 JA: TX					
8204237	F-04-039082	4240931326		102-4		G R TAYLOR GAS UNIT #1	ST PAUL NW (5100)	100.0	TRANSCONTINENTAL
8204237	F-04-039082	4240931326		103		G R TAYLOR GAS UNIT #1	ST PAUL NW (5100)	100.0	TRANSCONTINENTAL
-EXXON CORPORATION				RECEIVED: 10/29/81 JA: TX					
8204217	F-04-037632	4226130614		102-4		C M ARMSTRONG 64	CANDELARIA (J-47 E)	730.0	NATURAL GAS PIPEL
*8204302	F-04-040895	4235531603		103		FLOUR BLUFF ST A-4 #94040	FLOUR BLUFF (FRIO 8300')	571.0	ARMCO STEEL CORP
8204358	F-08-041363	4200332839		103		FULLERTON CLEARFORK UNIT #1743	FULLERTON	15.0	PHILLIPS PETROLEU
8204272	F-08-040323	4200332572		103		FULLERTON CLEARFORK UNIT #643	FULLERTON	15.0	PHILLIPS PETROLEU
8204280	F-08-040588	4222732422		103		H R CLAY #33	HOWARD-GLASSCOCK (GLORIE	7.0	PHILLIPS PETROLEU
8204265	F-08-040083	4210332509		103		J B TUBB "C" #28L	SAND HILLS (TUBB)	11.0	EL PASO NATURAL G
*8204245	F-04-039338	4227331279		103		K R ALAZAN 314-F (78739)	ALAZAN NORTH (H-21)	450.0	ARMCO STEEL CORP
*8204281	F-04-040592	4227331347		103		K R CHILTIPIN 64 (09287)	HINOJOSA NORTH (E-96)	80.0	ARMCO STEEL CORP
8204366	F-04-041379	4204700000		108		MCGILL BROS 239 (74647)	KELSEY DEEP (ZONE 18-A &	4.4	TRUNKLINE GAS CO
8204365	F-04-041378	4242700000		108		MRS A K EAST B #1 (82403)	SAN ROMAN (8-D E)	0.0	TENNESSEE GAS PIP
8204367	F-04-041380	4242700000		108		N R MONTALVO 36-C (50596)	SUN (DX)	7.8	TENNESSEE GAS PIP
8204266	F-7C-040084	4223531579		103		PEARL WILLIAMS #9	DOVE CREEK (CANYON C)	6.0	NORTHERN NATURAL
8204357	F-8A-041355	4216532084		103		ROBERTSON CLFK UNIT #4703	ROBERTSON N (CLFK 7100)	15.0	PHILLIPS PETROLEU
8204306	F-04-040995	4213135102		103		V KOHLER A-136 #09632	KOHLER NE (YEGUA - 13)	21.0	TENNESSEE GAS PIP
-FALCON PETROLEUM COMPANY				RECEIVED: 10/29/81 JA: TX					
8204252	F-10-039789	4235731104		103		ERICKSON #2 94159	FARNSWORTH S E (CLEVELAN	140.0	PHILLIPS PETROLEU
-FEDERAL ENERGY DEVELOPMENT CO				RECEIVED: 10/29/81 JA: TX					
8204375	F-09-041409	4223733740		103		JAMESON #1 (21092)	WORTHINGTON	10.0	SOUTHWESTERN GAS
-FISHER-WEBB INC				RECEIVED: 10/29/81 JA: TX					
8204355	F-7B-041352	4235331121		103		MCLAUGHLIN #83-2	DOUBLE M RANCH (COOK SAN	50.0	SUN OIL CO
8204356	F-7C-041353	4239932004		103		THORMEYER #1	H R O (CAPPS)	50.0	UNION TEXAS PETRO
-FOREST OIL CORPORATION				RECEIVED: 10/29/81 JA: TX					
8204202	F-04-036633	4221531105		103		A A MCALLEN #22	MCALLEN RANCH (VICKSBURG	600.0	VALERO TRANSMISSI
8204202	F-04-036633	4221531105		107-TF		A A MCALLEN #22	MCALLEN RANCH (VICKSBURG	600.0	VALERO TRANSMISSI
8204120	F-04-025839	4247932583		102-2		OLMITOS RANCH INC #1	PROPOSED NICHOLSON LOBO	150.0	TRANSCONTINENTAL
8204120	F-04-025839	4247932583		107-TF		OLMITOS RANCH INC #1	PROPOSED NICHOLSON LOBO	150.0	TRANSCONTINENTAL
8204123	F-04-026400	4247932642		102-2		RUSSELL-WINCH ST #3	MUJERES CREEK	276.0	UNITED TEXAS TRAN
8204123	F-04-026400	4247932642		107-TF		RUSSELL-WINCH ST #3	MUJERES CREEK	276.0	UNITED TEXAS TRAN
-FORTUNE PRODUCTION CO				RECEIVED: 10/29/81 JA: TX					
8204309	F-7C-041039	4241331051		102-2		UNIVERSITY 10 #1	UNIVERSITY 54 (CANYON)	81.5	CRA INC
8204309	F-7C-041039	4241331051		107-TF		UNIVERSITY 10 #1	UNIVERSITY 54 (CANYON)	81.5	CRA INC
-GENERAL PRODUCTION CORP				RECEIVED: 10/29/81 JA: TX					
8204150	F-03-031562	4205131198		103		MARK CAPERTON #2-A	INEZ JAMESON (NAVARRO A)	0.0	FERGUSON CROSSING
-GETTY OIL COMPANY				RECEIVED: 10/29/81 JA: TX					
8204313	F-08-041157	4210332501		103		NORTH MCELROY UNIT #2233	MCELROY	7.0	PHILLIPS PETROLEU
-GO OIL CORP				RECEIVED: 10/29/81 JA: TX					
8204264	F-7B-040050	4236731867		102-4		WILCOX #1	DANIEL (STRAWN)	0.0	NATURAL GAS PIPEL
-GHR ENERGY CORP				RECEIVED: 10/29/81 JA: TX					
8204283	F-04-040628	4247932271		102-4		B M T #6	LA ROSITA (LOBO)	160.0	VALERO TRANSMISSI
8204283	F-04-040628	4247932271		107-TF		B M T #6	LA ROSITA (LOBO)	160.0	VALERO TRANSMISSI
8204284	F-04-040629	4250531056		102-4		H J MOSSER #1	BLANCAS CREEK (10850)	27.0	VALERO TRANSMISSI
8204284	F-04-040629	4250531056		107-TF		H J MOSSER #1	BLANCAS CREEK (10850)	27.0	VALERO TRANSMISSI
8204286	F-04-040631	4247932294		102-4		R MARTINEZ #1	LA MANGANA (LOBO 8800)	20.0	VALERO TRANSMISSI
8204286	F-04-040631	4247932294		107-TF		R MARTINEZ #1	LA MANGANA (LOBO 8800)	20.0	VALERO TRANSMISSI
8204287	F-04-040633	4247932381		102-4		ROTTERSMAN #1	ROTTERSMAN (LOBO)	607.0	VALERO TRANSMISSI
8204287	F-04-040633	4247932381		107-TF		ROTTERSMAN #1	ROTTERSMAN (LOBO)	607.0	VALERO TRANSMISSI

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204289	F-04-040635	4247932388		102-4		SAMUELS GAS UNIT #2	SAMUELS (LOBO)	95.0	VALERO TRANSMISSI
8204289	F-04-040635	4247932388		107-TF		SAMUELS GAS UNIT #2	SAMUELS (LOBO)	95.0	VALERO TRANSMISSI
8204288	F-04-040634	4247932364		102-4		VAQUILLAS #1	VAQUILLAS RANCH (WILCOX	775.0	VALERO TRANSMISSI
8204288	F-04-040634	4247932364		107-TF		VAQUILLAS #1	VAQUILLAS RANCH (WILCOX	775.0	VALERO TRANSMISSI
8204285	F-04-040630	4247932292		102-4		YATES #1	BORDER (WILCOX)	16.0	VALERO TRANSMISSI
8204285	F-04-040630	4247932292		107-TF		YATES #1	BORDER (WILCOX)	16.0	VALERO TRANSMISSI
-GOOD HOPE REFINERIES INC				RECEIVED: 10/29/81 JA: TX					
8204226	F-04-038183	4250531342		102-4		LA PERLA #36	LA PERLA RANCH (LOBO 805	1500.0	VALERO TRANSMISSI
8204226	F-04-038183	4250531342		107-TF		LA PERLA #36	LA PERLA RANCH (LOBO 805	1500.0	VALERO TRANSMISSI
-GULF OIL CORPORATION				RECEIVED: 10/29/81 JA: TX					
8204310	F-08-041074	4249501260		108		KEYSTONE CATTLE CO #106	KEYSTONE (MCKEE)	11.0	SID RICHARDSON CA
8204346	F-10-041302	4235700000		108		TRUAX #1	SHARE	6.0	PHILLIPS PETROLEU
-H C W EXPLORATION INC				RECEIVED: 10/29/81 JA: TX					
8204236	F-08-038987	4237133329		102-4		RATTLESNAKE #1	ABELL (WICHITA-ALBANY 47	365.0	PERRY GAS PROCESS
-HALVEY ENERGY CO				RECEIVED: 10/29/81 JA: TX					
8204250	F-7C-039785	4243140939		103		MUNN #2	JAMESON (STRAWN)	24.0	SUN GAS CO
-HAMMAN OIL & REFINING CO				RECEIVED: 10/29/81 JA: TX					
8204180	F-03-034080	4207131161		102-4		WILCOX HEIRS #2-A	TRINITY RIVER DELTA (F-1	182.5	UNITED TEXAS TRAN
-HARRISON INTERESTS LTD				RECEIVED: 10/29/81 JA: TX					
8204291	F-7C-040642	4210533412		103		JOHN W HENDERSON III F #15	OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
8204291	F-7C-040642	4210533412		107-TF		JOHN W HENDERSON III F #15	OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
8204292	F-7C-040651	4210533530		103		JOHN W HENDERSON III J #19	OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
8204292	F-7C-040651	4210533530		107-TF		JOHN W HENDERSON III J #19	OZONA (CANYON SAND)	300.0	INTRATEX GAS CO
-HENRY HYDROCARBON INC				RECEIVED: 10/29/81 JA: TX					
8204271	F-09-040221	4223700000		103		VIRGINIA MORELAND #1	CAMPBELL (ATOKA CONGL)	250.0	SOUTHWESTERN GAS
-HINSON BROTHERS A PARTNERSHIP				RECEIVED: 10/29/81 JA: TX					
8204227	F-02-038348	4223900000		102-4		HINSON BROS INC #1 OB FENNER 93069	FENNER (FRIO 4075)	51.0	TRUNKLINE GAS CO
-HNG OIL COMPANY				RECEIVED: 10/29/81 JA: TX					
8204327	F-08-041221	4243130811		103		MCENTIRE "28" #2	CREDO E (CISCO UPPER)	277.0	INTRATEX GAS CO
8204326	F-01-041220	4243532249		103		MORRISS 84 #4	HOLMAN RANCH (N PENN)	449.0	INTRATEX GAS CO
8204329	F-08-041223	4247500000		103		SEALE D #4	RHODA WALKER (CANYON 590	18.0	DELHI GAS PIPELIN
8204330	F-08-041224	4243100000		103		WILKINSON 10 #2	CREDO E (CISCO UPPER)	319.0	INTRATEX GAS CO
8204328	F-08-041222	4243130812		103		WILKINSON 12 #2	CREDO E (CISCO UPPER)	419.0	INTRATEX GAS CO
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED: 10/29/81 JA: TX					
8204206	F-03-037014	4216730776		102-4		STATE TRACT 231 #1	HANNAH REEF (FRIO 9250:	0.0	
8204206	F-03-037014	4216730776		103		STATE TRACT 231 #1	HANNAH REEF (FRIO 9250:	0.0	
-HUGHES & HUGHES				RECEIVED: 10/29/81 JA: TX					
8204325	F-03-041216	4228730896		103		KORB UNIT #1	GIDDINGS (AUSTIN CHALK)	151.0	CLAJON GAS CO
-HUMBLE EXPLORATION CO INC				RECEIVED: 10/29/81 JA: TX					
8204175	F-03-033474	4214930825		102-2		NOLA WEYAND #1	GIDDINGS	352.0	PHILLIPS PETROLEU
8204175	F-03-033474	4214930825		103		NOLA WEYAND #1	GIDDINGS	352.0	PHILLIPS PETROLEU
-IBEX INC				RECEIVED: 10/29/81 JA: TX					
8204382	F-08-041445	4247532206		103		UNIVERSITY-WICKETT B #12	WARD-ESTES NORTH	33.9	CABOT CORP
-IKE LOVELADY INC				RECEIVED: 10/29/81 JA: TX					
8204256	F-7C-039912	4243532512		103		WEST #4	INTERSTATE (CANYON)	273.0	ADOBE GAS CO
8204256	F-7C-039912	4243532512		107-TF		WEST #4	INTERSTATE (CANYON)	273.0	ADOBE GAS CO
-INDIAN WELLS OIL CO				RECEIVED: 10/29/81 JA: TX					
8204282	F-7C-040622	4223531582		103		PHILLIPS 4-1	IRION (W CANYON)	18.0	NORTHERN NATURAL
-J M HUBER CORPORATION				RECEIVED: 10/29/81 JA: TX					
8204354	F-10-041347	4223330948		103		BURNETT RA #19	PANHANDLE	54.0	GETTY OIL CO
-JAMES M FORGOTSON				RECEIVED: 10/29/81 JA: TX					
8204234	F-06-038944	4240100000		103		J R PEPPER GAS UNIT #2	TATUM SW (HOUSTON-COTTON	120.0	HYDROCARBON TRANS
8204234	F-06-038944	4240100000		107-TF		J R PEPPER GAS UNIT #2	TATUM SW (HOUSTON-COTTON	120.0	HYDROCARBON TRANS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-JIMMY ALLEN						RECEIVED: 10/29/81 JA: TX			
8204255	F-10-039850	4217930861		103		BELL #2 RRC#04801	PANHANDLE	511.0	CABOT PIPELINE CO
-JOE C RICHARDSON JR						RECEIVED: 10/29/81 JA: TX			
8204268	F-10-040153	4229530983		103		LYNN #1	PEERY SE (CLEVELAND)	414.6	DIAMOND SHAMROCK
-JOHN A NEWMAN & CHARLES W SCOTT EST						RECEIVED: 10/29/81 JA: TX			
8204222	F-78-038074	4208300000		102-4		NEWMAN & SCOTT SEALY RANCH B-1	MARY-SUSAN (JENNINGS SAN	21.5	LONE STAR GAS CO
-JONES CO						RECEIVED: 10/29/81 JA: TX			
8204294	F-78-040738	4205932309		102-4		FINLEY 10 #1 (15573)	FINLEY (CADDO)	879.0	DELHI GAS PIPELIN
-LEWIS B BURLESON						RECEIVED: 10/29/81 JA: TX			
8204228	F-06-037935	4237100000		103		PUCKETT #1	BELDING (YATES)	40.0	APACHE GAS CORP
-LIVELY ENERGY & DEVELOPMENT CORP						RECEIVED: 10/29/81 JA: TX			
8204156	F-01-033210	4243532430		103		EPPS #2	HOLMAN RANCH (NORTH PENN	146.0	INTRATEX GAS CO
8204156	F-01-033210	4243532430		107-TF		EPPS #2	HOLMAN RANCH (NORTH PENN	146.0	INTRATEX GAS CO
-MARTIN OIL & GAS CO						RECEIVED: 10/29/81 JA: TX			
8204210	F-03-037321	4205100000		102-2		LIGHTSEY #2	CALDWELL (AUSTIN CHALK)	0.0	CLAJON GAS CO
-MAY PETROLEUM INC						RECEIVED: 10/29/81 JA: TX			
8204213	F-10-037578	4229530838		103		SCHULTZ #1	BRADFORD (CLEVELAND)	182.5	TRANSWESTERN PIPE
-MCCLYMOND BROTHERS						RECEIVED: 10/29/81 JA: TX			
8204268	F-78-039957	4242932773		103		A L SATTERWHITE LSE #17181	STEPHENS COUNTY REGULAR	0.1	WARREN PETROLEUM
-MCCORMICK OPERATING CO						RECEIVED: 10/29/81 JA: TX			
8204199	F-06-036375	4240131126		103		ROGERS GAS UNIT #4	OAK HILL (COTTON VALLEY)	500.0	HYDROCARBON TRANS
8204199	F-06-036375	4240131126		107-TF		ROGERS GAS UNIT #4	OAK HILL (COTTON VALLEY)	500.0	HYDROCARBON TRANS
8204186	F-06-034737	4240131101		103		TURNER #4	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
8204186	F-06-034737	4240131101		107-TF		TURNER #4	OAK HILL (COTTON VALLEY)	600.0	HYDROCARBON TRANS
-MCMAHON-BULLINGTON DRLG CO						RECEIVED: 10/29/81 JA: TX			
8204290	F-78-040637	4236731284		107-PE		WOODY "B" #4 80332	DICEY (CONGLOMERATE)	182.5	TEXAS UTILITIES F
-MCZ INC						RECEIVED: 10/29/81 JA: TX			
8204344	F-03-041297	4231300000		103		WIESE GAS UNIT #1-C	NORTH ZULCH	110.0	LONE STAR GAS CO
8204345	F-03-041298	4231300000		103		WIESE GAS UNIT #1-T	MADISONVILLE NORTH	140.0	LONE STAR GAS CO
-MESA PETROLEUM						RECEIVED: 10/29/81 JA: TX			
8204258	F-10-039950	4243130824		103		COLE #1-33	CONGER (PENN)	7.0	ESPERANZA PIPELIN
-MITCHELL ENERGY CORPORATION						RECEIVED: 10/29/81 JA: TX			
8204195	F-03-036137	4228730576		103		A H KRAUSE #1	GIDDINGS (AUSTIN CHALK)	0.0	
8204338	F-09-041268	4249732049		103		B E ADAMS #2-U I D #21310	BRIDGEPORT (TIDWELL)	54.0	NATURAL GAS PIPEL
8204151	F-03-031791	4214930551		102-2		B W ALLEN #1	GIDDINGS (AUSTIN CHALK)	121.6	PHILLIPS PETROLEU
8204239	F-09-039155	4249731983		103		C A LAWRENCE #11	BOONSVILLE (BEND CONG GA	0.0	NATURAL GAS PIPEL
8204192	F-09-035469	4223733494		103		C A MCMURTRY #5	JERMYN WEST (MARBLE FALL	140.0	SOUTHWESTERN GAS
8204263	F-78-040004	4236332633		103		C M FARMER #1	MINERAL WELLS NORTH (BIG	100.0	SOUTHWESTERN GAS
8204155	F-05-033149	4229330542		103		FERGUSON GAS UNIT #2	FALLON (COTTON VALLEY)	0.0	SOUTHWESTERN GAS
8204155	F-05-033149	4229330542		107-TF		FERGUSON GAS UNIT #2	FALLON (COTTON VALLEY)	0.0	SOUTHWESTERN GAS
8204153	F-09-032786	4249731986		103		FLOWERS-BILBERRY #3	BOONSVILLE (BEND CONGL G	422.0	NATURAL GAS PIPEL
8204229	F-78-038581	4236700000		108		G D WILEY #3 91454	CARTER CREEK (BEND CONGL	3.5	SOUTHWESTERN GAS
8204212	F-09-037331	4249731992		103		J C CHANEY #2	BOONSVILLE (BEND CONGLOM	240.0	NATURAL GAS PIPEL
8204221	F-09-037979	4223700000		108		J R HALSELL #3 21187	ARCO (CONGLOMERATE)	2.6	SOUTHWESTERN GAS
8204223	F-09-036153	4249732074		103		L W CLARK #2	BOONSVILLE (BEND CONGL G	385.0	NATURAL GAS PIPEL
8204211	F-09-037330	4249731963		103		LILLIAN MAY #2	BOONSVILLE (BEND CONGL G	230.0	NATURAL GAS PIPEL
8204133	F-09-030026	4249731885		103		LUCY ROGERS #4	BOONSVILLE (BEND CONGL G	300.0	NATURAL GAS PIPEL
8204185	F-09-034551	4223733402		103		VERA HENDERSON #1-C	WILDCAT (FILED AS A NEW	460.0	
8204127	F-09-027897	4249700000		108		W R HIPP #3 86202	BOONSVILLE (BEND CONGL G	3.4	NATURAL GAS PIPEL
-MOBIL PROD TEXAS & NEW MEXICO INC						RECEIVED: 10/29/81 JA: TX			
8204191	F-7C-035177	4244330258		103		BANNER-HOGE UNIT #4	BROWN BASSETT (STRAWN)	0.0	EL PASO NATURAL G
*8204274	F-08-040378	4232930989		103		PRESTON SPRABERRY UNIT #1907	SPRABERRY TREND (AREA)	5.1	PHILLIPS PETROLEU
8204277	F-78-040443	4215130936		102-4		SOJOURNER C #2	ALKALI CREEK SW (FLIPPEN	10.2	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204303	F-04-040898	4230130302		102-4		W D JOHNSON E #3	DIMMIT (CHERRY CANYON)	32.9	INTRATEX GAS CO
-MONSANTO COMPANY				RECEIVED: 10/29/81 JA: TX					
8204317	F-8A-041193	4207931380		103		STARNES #41-38	LEVELLAND	7.3	CITIES SERVICE CO
-MOODY ENERGY CO				RECEIVED: 10/29/81 JA: TX					
8204331	F-10-041226	4221131330		103		MURL KENYON A #2	FELDMAN (TONKAWA)	0.0	PHILLIPS PETROLEU
-MOTE RESOURCES INC				RECEIVED: 10/29/81 JA: TX					
8204378	F-09-041426	4207732159		103		SARAH MAXEY #1	VERA STRAWN	25.0	FAGADAU ENERGY CO
8204377	F-09-041425	4207732397		103		SARAH MAXEY #2	VERA STRAWN	54.0	FAGADAU ENERGY CO
-MUELLER ENGINEERING CORP				RECEIVED: 10/29/81 JA: TX					
8204293	F-02-040657	4229700000		108		G B SPRADLEY 50159	RAMIRENA N (PETTUS)	23.8	UNITED GAS PIPELI
-NATIONAL OIL COMPANY				RECEIVED: 10/29/81 JA: TX					
8204238	F-06-039132	4200131051		103		C L CARROLL UNIT #1	LONG LAKE	47.0	LONE STAR GAS CO
-NP ENERGY CORPORATION				RECEIVED: 10/29/81 JA: TX					
8204112	F-02-024940	4225500000		103		LETSINGER-SUTTON #5	EAST KENEDY (LULING)	72.0	UNITED GAS PIPELI
-NUCORP ENERGY INC				RECEIVED: 10/29/81 JA: TX					
8204233	F-03-038843	4231330321		102-4		JOHNSTON UNIT #1	MADISONVILLE (WOODBINE)	239.0	LONE STAR GAS CO
-PALCO INC				RECEIVED: 10/29/81 JA: TX					
8204178	F-10-033891	4223300000		103		REIMER A #3	PANHANDLE HUTCHINSON	91.0	PANHANDLE PRODUCI
-PALO PETROLEUM INC				RECEIVED: 10/29/81 JA: TX					
8204336	F-08-041236	4217331064		103		CALVERLEY #2	SPRABERRY (TREND AREA)	17.2	EL PASO NATURAL G
8204130	F-7B-029468	4204931917		102-4		EMMA RILEY B #1	PALO DAVIS (RANGER)	151.1	ODESSA NATURAL CO
8204130	F-7B-029468	4204931917		103		EMMA RILEY B #1	PALO DAVIS (RANGER)	151.1	ODESSA NATURAL CO
8204296	F-7B-040776	4204931932		102-4		LOW ESTATE #1	BLIND HOG (RANGER)	113.2	ODESSA NATURAL CO
8204129	F-7B-029388	4204931942		102-4		STEEL F #1	BLIND HOG (RANGER)	94.9	ODESSA NATURAL CO
8204129	F-7B-029388	4204931942		103		STEEL F #1	BLIND HOG (RANGER)	94.9	ODESSA NATURAL CO
-PARAGON RESOURCES INC				RECEIVED: 10/29/81 JA: TX					
8204278	F-03-040534	4215731155		102-2		STERN #2	RANDON EAST (3000)	237.0	TRANSCO GAS PIPE
8204278	F-03-040534	4215731155		103		STERN #2	RANDON EAST (3000)	237.0	TRANSCO GAS PIPE
-PETROLEUM INC				RECEIVED: 10/29/81 JA: TX					
8204314	F-10-041161	4221131266		103		JONES ESTATE #1-21	FELDMAN/DOUGLAS	18.0	PANHANDLE EASTERN
-PETROLEUM TECHNICAL SERVICES CO				RECEIVED: 10/29/81 JA: TX					
8204371	F-03-041405	4214931096		103		JANIS-MCCOLLUM UNIT #1	GIDDINGS (AUSTIN CHALK)	34.6	PHILLIPS PETROLEU
8204381	F-03-041436	4214931096		102-2		JANIS-MCCOLLUM UNIT #1	GIDDINGS (AUSTIN CHALK)	34.6	PHILLIPS PETROLEU
8204305	F-08-040981	4210332621		103		P J LEA #6	LEA (SAN ANDRES)	18.3	WARREN PETROLEUM
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 10/29/81 JA: TX					
8204370	F-08-041399	4213533580		103		BLAKENEY #7 (02122)	GOLDSMITH (CLEARFORK)	15.1	EL PASO NATURAL G
8204108	F-09-005762	4249731090		103		CHAMPION - A#2	BOONESVILLE	152.1	NATURAL GAS PIPEL
8204299	F-10-40860	4223300000		108		HERR #1	PANHANDLE WEST-RED CAVE	0.0	EL PASO NATURAL G
8204301	F-08-040872	4237132978		103		ROSA L MITCHELL-2	PUCKETT (ELLENBURGER)	845.0	NORTHERN NATURAL
8204300	F-08-040870	4213533581		103		WEYMAN-5 (02140)	GOLDSMITH (CLEARFORK)	12.0	EL PASO NATURAL G
-RICHEY EXPLORATION CO				RECEIVED: 10/29/81 JA: TX					
8204235	F-09-038986	4223733701		103		C T TOMLINSON #1	MARYETTA SE (CONGL)	200.0	LONE STAR GAS CO
-RICKS EXPLORATION CO				RECEIVED: 10/29/81 JA: TX					
8204125	F-10-027142	4235731025		102-4		SANDEE #1114-A	RICKS (MORROW, UP)	0.0	HIGH PLAINS NATUR
-ROBINSON BROS DRILLING CO INC				RECEIVED: 10/29/81 JA: TX					
8204321	F-01-041208	4217730502		103		HINTON BALL #1	COST (AUSTIN CHALK)	24.0	TIPPERARY GATHERI
-SANCHEZ-OBRIEN OIL & GAS CORP				RECEIVED: 10/29/81 JA: TX					
8204241	F-04-039278	4247932698		107-TF		MAYER GAS UNIT 4 #1	DELORES CREEK (8400 WILC	500.0	UNITED TEXAS TRAN
8204242	F-04-039281	4247932584		107-TF		MAYERS GAS UNIT 2 #1	SAN JUANITA WILCOX (8600	500.0	TRANSCONTINENTAL
-SANTA FE ENERGY PRODUCTS CO				RECEIVED: 10/29/81 JA: TX					
8204262	F-10-039972	4235731059		103		WILLIS HARDY #2-49	ELLIS RANCH (CLEVELAND)	143.1	TRANSWESTERN PIPE
-SAXON OIL COMPANY				RECEIVED: 10/29/81 JA: TX					
8204337	F-7C-041242	4238331980		103		UNIVERSITY 14-2 #2	SPRABERRY (TREND AREA)	0.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SHAH EXPLORATION CO INC						RECEIVED: 10/29/81 JA: TX			
8204182	F-09-034492	4250300000		103		SHAH-HINSON B	WILDCAT - YOUNG COUNTY R	2.0	GAS ASSOCIATED SY
-SHELL OIL CO						RECEIVED: 10/29/81 JA: TX			
8204269	F-04-040164	4221531120		103		A A MCALLEN #73	MCALLEN RANCH (VICKSBURG	500.0	VALERO INTERSTATE
8204304	F-08-040748	4213500000		108		TXL NORTH UNIT #423-L	TXL (TUBB)	10.5	SHELL OIL
-SHOW PETROLEUM INC						RECEIVED: 10/29/81 JA: TX			
8204307	F-78-041004	4204932717		103		BATES #4 (93090)	BROWN COUNTY REGULAR	0.5	ODESSA NATURAL CO
-SOUTHLAND ROYALTY CO						RECEIVED: 10/29/81 JA: TX			
8204342	F-10-041286	4217900000		108		J M WRIGHT #1	EAST PANHANDLE	18.0	COLTEXO CORP
-SPENCER & HUTSON						RECEIVED: 10/29/81 JA: TX			
8204315	F-03-041173	4214930788		103		JONELL #1	GIDDINGS (AUSTIN CHALK)	36.5	PHILLIPS PETROLEU
8204246	F-03-039428	4228730660		103		KEYS #1	GIDDINGS (AUSTIN CHALK)	18.2	PGP GAS PRODUCTS
-STUBBLEFIELD R E & SONS						RECEIVED: 10/29/81 JA: TX			
8204359	F-10-041364	4208700000		108		MCDOWELL #1 (ID #27029)	PANHANDLE EAST	6.1	WARREN PETROLEUM
8204360	F-10-041365	4248300000		108		RIPPY-SPEED #1 (ID#27039)	PANHANDLE EAST	3.0	WARREN PETROLEUM
8204362	F-10-041367	4248300000		108		WALLACE #A-2 (ID#27042)	PANHANDLE EAST	2.4	WARREN PETROLEUM
8204361	F-10-041366	4248300000		108		WALLACE #1 (ID#27040)	PANHANDLE EAST	14.5	WARREN PETROLEUM
-STUBBLEFIELD R EARL						RECEIVED: 10/29/81 JA: TX			
8204349	F-10-041342	4248300000		108		COLUMBIAN FUEL CORP #1 (ID#27025)	PANHANDLE EAST	1.3	WARREN PETROLEUM
8204350	F-10-041343	4248300000		108		FEE #1 (ID#27026)	PANHANDLE EAST	2.5	WARREN PETROLEUM
8204351	F-10-041344	4248300000		108		PAKAN #A-1 (ID#27031)	PANHANDLE EAST	13.1	WARREN PETROLEUM
8204352	F-10-041345	4248300000		108		PAKAN MIRO #1 (ID#27032)	PANHANDLE EAST	10.1	WARREN PETROLEUM
8204353	F-10-041346	4248300000		108		WALLACE #A-1 (ID#27035)	PANHANDLE EAST	4.3	WARREN PETROLEUM
-SUN OIL COMPANY (DELAWARE)						RECEIVED: 10/29/81 JA: TX			
8204275	F-04-040402	4242731410		103		B G DE GARCIA #35	FROST	28.0	
-TAYLOR OPERATING COMPANY						RECEIVED: 10/29/81 JA: TX			
8204248	F-09-039516	4249700000		103		THOMAS HODGES #7 (18753)	WISE COUNTY REGULAR	73.6	NATURAL GAS PIPEL
-TEX-STAR PETROLEUM						RECEIVED: 10/29/81 JA: TX			
8204154	F-7C-032909	4239931694		102-4		FULLER #2 (08573)	HENSON (MISS)	48.0	UNION TEXAS PETRO
-TEXACO INC						RECEIVED: 10/29/81 JA: TX			
8204369	F-09-041394	4216130202		103		JOHN MARSHALL #4	SADLER (PENN)	2.2	UNION TEXAS PETRO
8204312	F-04-041141	4221530979		107-DP		PRODUCTIVE PROPERTIES INC #1	ORANGE BLOSSOM (AUSTIN)	33.0	VALERO INTERSTATE
8204253	F-8A-039805	4216531962		103		SAM C JENKINS #9	JENKINS (SAN ANDRES)	0.0	PHILLIPS PETROLEU
-TEXAS INTERNATIONAL PET CORP						RECEIVED: 10/29/81 JA: TX			
8204218	F-03-037720	4214930784		102-2		BAUER #1	GIDDINGS (AUSTIN CHALK)	500.0	CLAJON GAS CO
-TEXAS OIL & GAS CORP						RECEIVED: 10/29/81 JA: TX			
8204179	F-05-034008	4216130582		103		BOYD-PICKETT #2	TEAGUE (COTTON VALLEY)	0.0	
8204179	F-05-034008	4216130582		107-TF		BOYD-PICKETT #2	TEAGUE (COTTON VALLEY)	0.0	
8204176	F-02-033744	4228531510		102-4		HANCOCK O-1	PROVIDENT CITY (WILCOX 1	0.0	DELHI GAS PIPELIN
8204181	F-03-034090	4232131067		103		STEELE #3 - UPPER	DUNCAN SLOUGH S (F-6)	0.0	DELHI GAS PIPELIN
8204131	F-02-029520	4229732107		102-4		ZAMZOW A-1 #91211	RAY POINT NORTH	30.0	UNITED GAS PIPELI
-TRANS-AMERICAN DEVELOPMENT CORP						RECEIVED: 10/29/81 JA: TX			
8204257	F-7B-039917	4204900000		103		T BOYD #1 (16387)	BROWN COUNTY REGULAR	24.0	ODESSA NATURAL CO
-TSPI INC						RECEIVED: 10/29/81 JA: TX			
8204279	F-10-040553	4223300000		103		PEANUT #3	PANHANDLE HUTCHINSON COU	85.0	PANHANDLE PRODUCI
-U S OPERATING INC						RECEIVED: 10/29/81 JA: TX			
8204152	F-03-032076	4205130995		102-2		CLARICE UNIT #1	GIDDINGS (AUSTIN CHALK A	0.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF						RECEIVED: 10/29/81 JA: TX			
8204254	F-08-0390807	4200332637		103		DOLLARHIDE UNIT #6-12-C	DOLLARHIDE (CLEARFORK)	30.0	DOLLARHIDE GASOLI
-UNION TEXAS PETROLEUM						RECEIVED: 10/29/81 JA: TX			
8204209	F-03-037289	4219931520		102-4		KIRBY LUMBER COMPANY #3	SOUR LAKE E (YEGUA-4TH)	182.5	TEXAS GAS TRANSMI
-W L BRUCE OPERATOR						RECEIVED: 10/29/81 JA: TX			
8204115	F-10-025376	4234100000		108		LETHEN #1 RRC#03915	PANHANDLE	27.6	PHILLIPS PET CO

JD NO	JA OKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204116	F-10-025379	4234100000		108		LETHEN #3 RRC#03915	PANHANDLE	27.6	PHILLIPS PET CO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED: 10/29/81 JA: TX					
8204316	F-08-041174	4210332445		103		W A ESTES #109 (26648)	SAND HILLS WEST (SILURIA	29.0	EL PASO NATURAL G
8204270	F-08-040180	4210332548		103		W N WADDELL TR A #1178	SAND HILLS (JUDKINS)	0.0	EL PASO NATURAL G
8204243	F-08-039298	4210332552		103		W N WADDELL TR A #1182	SAND HILLS (JUDKINS)	45.0	EL PASO NATURAL G
8204231	F-08-038612	4210332559		103		W N WADDELL TR A #1184	SAND HILLS (JUDKINS)	0.0	EL PASO NATURAL G
8204244	F-08-039299	4210332541		103		W N WADDELL TR A #1188	SAND HILLS (JUDKINS)	67.0	EL PASO NATURAL G
-WILLIAM PERLMAN				RECEIVED: 10/29/81 JA: TX					
8204132	F-7C-029892	4243532426		102-2		DAN CAUTHORN 155-1	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL G
8204132	F-7C-029892	4243532426		107-TF		DAN CAUTHORN 155-1	SHURLEY RANCH (CANYON)	0.0	EL PASO NATURAL G
-WINDSOR GAS CORP				RECEIVED: 10/29/81 JA: TX					
8204126	F-7C-027538	4243530367		108		WILSON 175-1 56906	SHURLEY RANCH (CANYON)	20.0	VALERO TRANSMISSI
-WINDSOR PRODUCING CO				RECEIVED: 10/29/81 JA: TX					
8204232	F-03-038826	4228730974		102-2		DELTA P #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8204232	F-03-038826	4228730974		103		DELTA P #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8204318	F-03-041205	4228730945		103		EDWARDS UNIT #3	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8204267	F-03-040109	4228730916		102-2		KNITTLE #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS
8204267	F-03-040109	4228730916		103		KNITTLE #1	GIDDINGS (AUSTIN CHALK)	36.5	PGP GAS PRODUCTS

OTHER PURCHASERS

8204245	E I DUPONT DENEMOURS & CO INC
8204274	EL PASO NATURAL GAS CO
8204281	E I DUPONT DE NEMOURS & CO INC
8204302	E I DUPONT DENEMOURS & CO INC

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 22, 1981.

Categories within each NGPA section are indicated by the following codes:

Section:
- 102-1: New OCS lease
- 102-2: New well (2.5 mile rule)
- 102-3: New well (1000 ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease

Section:
- 107-DP: 15,000 feet or deeper
- 107-GB: Geopressured brine
- 107-CS: Coal seams
- 107-DV: Devonian shale
- 107-PE: Production enhancement
- 107-TF: New tight formation
- 107-RT: Recompletion tight formation

Section:
- 108: Stripper well
- 108-SA: Seasonally affected
- 108-ER: Enhanced recovery
- 108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35816 Filed 12-4-81; 8:45 am]

BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION							
-HUSKY OIL COMPANY			RECEIVED: 11/02/81 JA: CA				
8204862	81-6-0030	0410320116	103	HUSKY-TENNECO FOX 1-34	RANCHO CAPAY GAS FIELD	253.0	PACIFIC GAS & ELE
-TENNECO OIL COMPANY			RECEIVED: 11/02/81 JA: CA				
8204868	81-4-0064	0402957820	103	CHEVRON FEE 26-35	RIO VIEJO	117.0	ARCO OIL & GAS CO
8204869	81-4-0063	0402957007	103	PALOMA 26X-3	PALOMA	32.0	ARCO OIL & GAS CO
8204863	81-4-0069	0402962062	103	PALOMA 41X-10	PALOMA	40.0	ARCO OIL & GAS CO
8204864	81-4-0068	0402955280	103	RIORDAN 75X-34	RIO VIEJO	18.0	ARCO OIL & GAS CO
8204867	81-4-0065	0402958915	103	TEN SECTION 26X-28	TEN SECTION	12.0	PACIFIC LIGHTING
8204866	81-4-0066	0402959020	103	TEN SECTION 27X-28	TEN SECTION	19.0	PACIFIC LIGHTING
8204865	81-4-0067	0402957203	103	TEN SECTION 37-28	TEN SECTION	9.0	PACIFIC LIGHTING
-TEXAS OIL & GAS CORP			RECEIVED: 11/02/81 JA: CA				
8204861	81-6-0039	0409520445	102-4	DONOVAN #21-1	MAINE PRAIRIE GAS FIELD	450.0	
FLORIDA DEPARTMENT OF NATURAL RESOURCES							
-EXXON CORPORATION			RECEIVED: 11/04/81 JA: FL				
*8204878		0911320188	107-DP	MARTHA MURPHY #10-6	JAY/LEC	500.0	FLORIDA GAS TRANS
LOUISIANA OFFICE OF CONSERVATION							
-KERR-MCGEE CORPORATION			RECEIVED: 10/13/81 JA: LA				
8204879	81-1128	1772620191	102-4	S L 2000 NO 57	BRETON SOUND BLOCK 20	382.0	SOUTHERN NATURAL
NORTH DAKOTA INDUSTRIAL COMMISSION							
-AMERADA HESS CORPORATION			RECEIVED: 11/02/81 JA: ND				
8204874	385	3310500859	103	BEAVER LODGE MADISON UNIT I-9	BEAVER LODGE	37.0	MONTANA DAKOTA UT
8204876	387	3310500855	103	BEAVER LODGE MADISON UNIT S-23	BEAVER LODGE	23.0	MONTANA DAKOTA UT
8204873	384	3310500869	103	BEAVER LODGE MADISON UNIT V-25	BEAVER LODGE	10.0	MONTANA DAKOTA UT
-AMOCO PRODUCTION CO			RECEIVED: 11/02/81 JA: ND				
8204872	388	3305301155	102-2	HAMRE UNIT A #1	CHERRY CREEK	43.8	MONTANA - DAKOTA
-GULF OIL CORPORATION			RECEIVED: 11/02/81 JA: ND				
8204871	389	3307500158	102-2	GARY HOUGHTON 1-6-4D	LITTLE KNIFE	60.0	MONTANA DAKOTA UT
8204870	393	3310500835	102-2	NORDELL 1-25-1D	UNDESIGNATED	7.0	
-MILLIARD OIL & GAS INC			RECEIVED: 11/02/81 JA: ND				
*8204875	386	3305301144	102-2	LILLIBRIDGE #1	WILDCAT	270.0	AMINOIL USA INC
OHIO DEPARTMENT OF NATURAL RESOURCES							
-BELDEN & BLAKE AND CO #77			RECEIVED: 11/02/81 JA: OH				
8204709		3401921422	103	LEWIS VOSI COMM #1-341070	BROWN	36.5	
8204709		3401921422	107-TF	LEWIS VOSI COMM #1-341070	BROWN	36.5	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-BROWN PETROLEUM CORP						RECEIVED: 11/02/81 JA: OH			
8204714		3407522521		103		ABE YODER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8204714		3407522521		107	TF	ABE YODER #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8204712		3407522399		103		ELLIOT #2	MECHANIC	10.0	COLUMBIA GAS TRAN
8204712		3407522399		107	TF	ELLIOT #2	MECHANIC	10.0	COLUMBIA GAS TRAN
8204719		3407522894		103		ELLIOTT #3	MECHANIC	10.0	COLUMBIA GAS TRAN
8204719		3407522894		107	TF	ELLIOTT #3	MECHANIC	10.0	COLUMBIA GAS TRAN
8204717		3407522834		103		GILMAN #2	MECHANIC	10.0	COLUMBIA GAS TRAN
8204717		3407522834		107	TF	GILMAN #2	MECHANIC	10.0	COLUMBIA GAS TRAN
8204713		3407522420		107	TF	PATTERSON #1	MECHANIC	10.0	COLUMBIA GAS TRAN
8204715		3407522641		103		PATTERSON #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204715		3407522641		107	TF	PATTERSON #3	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204716		3407522643		103		PATTERSON #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204716		3407522643		107	TF	PATTERSON #4	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204718		3407522892		103		PATTERSON #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204718		3407522892		107	TF	PATTERSON #5	KILLBUCK	10.0	COLUMBIA GAS TRAN
8204711		3403124256		103		ROSS #2-B	BEDFORD	10.0	COLUMBIA GAS TRAN
8204711		3403124256		107	TF	ROSS #2-B	BEDFORD	10.0	COLUMBIA GAS TRAN
8204710		3403123962		103		UNDERWOOD #1	BEDFORD	10.0	COLUMBIA GAS TRAN
8204710		3403123962		107	TF	UNDERWOOD #1	BEDFORD	10.0	COLUMBIA GAS TRAN
-CARL M POSTON						RECEIVED: 11/02/81 JA: OH			
8204824		3407322406		107	TF	LEON P KIEFFER #2	WARD	50.0	
-CHARLES L WOOD						RECEIVED: 11/02/81 JA: OH			
8204859		3405923067		103		GIBSON #1	MONROE	12.0	COLUMBIA GAS TRAN
8204859		3405923067		107	TF	GIBSON #1	MONROE	12.0	COLUMBIA GAS TRAN
-CHARLES O LIGHTHIZER						RECEIVED: 11/02/81 JA: OH			
8204766		3411925209		103		ANDY ANDERSON #1	PERRY	0.0	
8204766		3411925209		107	TF	ANDY ANDERSON #1	PERRY	0.0	
-CLARENCE SHERMAN						RECEIVED: 11/02/81 JA: OH			
8204827		3415723585		107	TF	HUPRICH #1	AUBURN	20.0	
8204828		3415723586		107	TF	HUPRICH #2	AUBURN	20.0	
8204829		3415723587		107	TF	HUPRICH #3	AUBURN	20.0	
-COLLINS-MCGREGOR OPERATING COMPANY						RECEIVED: 11/02/81 JA: OH			
8204720		3405520301		103		BRAFF #2	MIDDLEFIELD	20.0	EAST OHIO GAS CO
8204720		3405520301		107	TF	BRAFF #2	MIDDLEFIELD	20.0	EAST OHIO GAS CO
-CYCLOPS CORP						RECEIVED: 11/02/81 JA: OH			
8204721		3403123635		107	TF	CHESTER & ONIE PEW #4	KEENE	30.0	
-DERRICK PETROLEUM INC						RECEIVED: 11/02/81 JA: OH			
8204722		3403124294		107	TF	JESSE BURTON #1	JACKSON	10.0	COLUMBIA GAS CORP
-DISCOVERY OIL LTD						RECEIVED: 11/02/81 JA: OH			
8204726		3407522473		107	TF	A & E SWARTZENTRUBER #1	MECHANIC	2750.0	COLUMBIA GAS TRAN
8204729		3407522936		107	TF	ALBERT COBLENTZ #1	HARDY	1250.0	COLUMBIA GAS TRAN
8204727		3407522474		107	TF	ALBERT SWARTZENTRUBER #2	MECHANIC	980.0	COLUMBIA GAS TRAN
8204728		3407522475		107	TF	ALBERT SWARTZENTRUBER #3	MECHANIC	1500.0	COLUMBIA GAS TRAN
8204731		3416922574		107	TF	ELIZABETH DANNEMILLER #1	CHIPPEWA	50.0	EAST OHIO GAS CO
8204736		3416922737	D	107	TF	ELWOOD SANOR #1	CHIPPEWA	975.0	EAST OHIO GAS CO
8204730		3416922492		107	TF	JENNIE MCCLELLAND #2	CHIPPEWA	500.0	EAST OHIO GAS CO
8204732		3416922575		107	TF	LEROY BERGER #1	CHIPPEWA	500.0	EAST OHIO GAS CO
8204733		3416922576		107	TF	LEROY BERGER #2	CHIPPEWA	500.0	EAST OHIO GAS CO
8204734		3416922577		107	TF	LEROY BERGER #3	CHIPPEWA	300.0	EAST OHIO GAS CO
8204735		3416922578		107	TF	LEROY BERGER #4	CHIPPEWA	1000.0	EAST OHIO GAS CO
8204723		3407522469		107	TF	LESTER HOCHSTETLER #1	MECHANIC	775.0	COLUMBIA GAS TRAN
8204724		3407522470		107	TF	LESTER HOCHSTETLER #2	MECHANIC	950.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204725		3407522472		107-TF		LESTER HOCHSTETLER #3	MECHANIC	1250.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED: 11/02/81 JA: OH					
8204737		3407522992		107-TF		ABE G YODER #1 KQ-5	BERLIN	12.0	COLUMBIA GAS TRAN
8204740		3407523043		107-TF		ALBERT J YODER #1 KQ-6	BERLIN	12.0	COLUMBIA GAS TRAN
8204750		3412724814		107-TF		BILLY CARTER #1 KA-48	MADISON	12.0	NATIONAL OIL & GA
8204745		3411925352		107-TF		CHARLES & PAUL WILKINS #1 KN-2	SPRINGFIELD	12.0	NATIONAL GAS & OI
8204744		3411925351		107-TF		DARYL CLARK #1 KN-3	SPRINGFIELD	12.0	NATIONAL GAS & OI
8204749		3412724813		107-TF		DONALD STERRETT #1 KA-47	MADISON	12.0	NATIONAL GAS & OI
8204741		3407523067		107-TF		EMANUEL D MILLER #1 KQ-8	BERLIN	12.0	COLUMBIA GAS TRAN
8204747		3411925622		107-TF		FRANCES OGG #1 KA-85	HOPEWELL	12.0	COLUMBIA GAS TRAN
8204742		3411925218		107-TF		JAMES GARD #1 KA-45	HOPEWELL	12.0	COLUMBIA GAS TRAN
8204746		3411925621		107-TF		JAMES WIETZEL #1 KA-84	HOPEWELL	12.0	NATIONAL GAS & OI
8204748		3412724812		107-TF		KARL WILTSIE #1 KA-46	MADISON	12.0	NATIONAL GAS & OI
8204738		3407522993		107-TF		NORMAN MILLER #1 KQ-4	BERLIN	12.0	COLUMBIA GAS TRAN
8204743		3411925220		107-TF		RALPH TAGGART #1 KA-44	NEWTON	12.0	NATIONAL GAS & OI
8204751		3412725105		103		VANCE BOLYARD #1	PLEASANT	12.0	COLUMBIA GAS TRAN
8204751		3412725105		107-TF		VANCE BOLYARD #1	PLEASANT	12.0	COLUMBIA GAS TRAN
8204739		3407522996		107-TF		WYMAN RABER #1 KQ-3	BERLIN	12.0	COLUMBIA GAS TRAN
-EARTH RESOURCES EXPL DEV CORP				RECEIVED: 11/02/81 JA: OH					
8204752		3416922635		103		CLEVELAND #2	CANAAN	10.0	COLUMBIA GAS TRAN
8204752		3416922635		107-TF		CLEVELAND #2	CANAAN	10.0	COLUMBIA GAS TRAN
8204753		3416922871		103		UPP #2	CANAAN	30.0	COLUMBIA GAS TRAN
8204753		3416922871		107-TF		UPP #2	CANAAN	30.0	COLUMBIA GAS TRAN
-GASEARCH INC				RECEIVED: 11/02/81 JA: OH					
8204754		3400721553		103		DELMUL #1	CHERRY VALLEY	20.0	
8204754		3400721553		107-TF		DELMUL #1	CHERRY VALLEY	20.0	
8204755		3413322026		103		SPOLARICH #2	NELSON	20.0	COLUMBIA GAS TRAN
8204755		3413322026		107-TF		SPOLARICH #2	NELSON	20.0	COLUMBIA GAS TRAN
-GEN MOTORS CORP				RECEIVED: 11/02/81 JA: OH					
8204759		3415521509		107-TF		CORY UNIT #1	LORDSTOWN	47.0	EAST OHIO GAS CO
8204758		3409921249		107-TF		D'AMICO UNIT #1	MILTON	29.0	EAST OHIO GAS CO
8204757		3409921245		107-TF		DUGAN UNIT #1	JACKSON	50.0	EAST OHIO GAS CO
8204756		3409921233		107-TF		SECHLER B UNIT #1	JACKSON	65.0	EAST OHIO GAS CO
8204760		3415521533		107-TF		WILSON "B" #1	LORDSTOWN	40.0	EAST OHIO GAS CO
-GUERNSEY PETROLEUM CORPORATION				RECEIVED: 11/02/81 JA: OH					
8204761		3411925710		107-TF		OHIO POWER #1-P	MEIGS	0.0	COLUMBIA GAS TRAN
-HILLTOP DEVELOPMENT CORP				RECEIVED: 11/02/81 JA: OH					
8204762		3411925675		103		STERLING ADDIS ADKINS #1	JACKSON	2.0	NATIONAL GAS & OI
-HOPCO RESOURCES INC				RECEIVED: 11/02/81 JA: OH					
8204763		3403124175		103		A LEPI #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
8204763		3403124175		107-TF		A LEPI #1	WASHINGTON	12.0	COLUMBIA GAS TRAN
-MARK OIL & GAS LTD				RECEIVED: 11/02/81 JA: OH					
8204770		3411522168		107-TF		BARNES #1	MORGAN	14.4	COLUMBIA GAS TRAN
8204772		3411522211		107-TF		BARNES UNIT #2	MORGAN	14.4	COLUMBIA TRANSMIS
8204769		3411522157		107-TF		GIFFORD UNIT #2	MALTA	14.4	COLUMBIA GAS TRAN
8204768		3411521909		107-TF		MELLOR #2	MALTA	28.8	COLUMBIA GAS TRAN
8204771		3411522202		107-TF		SNODGRASS #2	MALTA	21.6	COLUMBIA GAS TRAN
8204773		3411522220		107-TF		WHITEHOUSE #1	MALTA	28.8	COLUMBIA GAS TRAN
-MID-ATLANTIC OIL CO				RECEIVED: 11/02/81 JA: OH					
8204774		3411522001		102-4		R SCOTT #1	MEIGSVILLE	80.0	COLUMBIA GAS CO
8204774		3411522001		107-TF		R SCOTT #1	MEIGSVILLE	80.0	COLUMBIA GAS CO
-NOBLE OIL CORP				RECEIVED: 11/02/81 JA: OH					
8204779		3413322569		107-TF		BAILEY #1	PALMYRA	20.0	GENERAL ELECTRIC

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JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204778		3413322533		107	-TF	HAAS-AHRENS #1	PALMYRA	20.0	GENERAL ELECTRIC
8204776		3413322529		107	-TF	HAAS-AHRENS #2	PALMYRA	20.0	GENERAL ELECTRIC
8204777		3413322531		107	-TF	SCHOOL #1	PALMYRA	20.0	GENERAL ELECTRIC
-OHIO NATURAL FUEL CO				RECEIVED: 11/02/81 JA: OH					
8204780		3403124303		103		SPECKMAN #7	BETHLEHEM	73.0	COLUMBIA GAS TRAN
8204780		3403124303		107	-TF	SPECKMAN #7	BETHLEHEM	73.0	COLUMBIA GAS TRAN
-OHIO TITAN ENERGY-LTD PART 1980-1				RECEIVED: 11/02/81 JA: OH					
8204781		3407522356		107	-TF	MELVIN MILLER #3	MECHANIC	650.0	COLUMBIA GAS TRAN
-OILTECH INC				RECEIVED: 11/02/81 JA: OH					
8204783		3407522315		107	-TF	HORACE DUTTON #1	MECHANIC	0.0	COLUMBIA GAS TRAN
8204782		3407522314		107	-TF	HORACE DUTTON #2	MECHANIC	0.0	COLUMBIA GAS TRAN
8204784		3407522525		107	-TF	RAYMOND J MILLER #2	MECHANIC	0.0	COLUMBIA GAS TRAN
8204786		3407522725		107	-TF	RONALD & RICHARD POTTS #4	MECHANIC	0.0	COLUMBIA GAS TRAN
8204785		3407522724		107	-TF	RONALD & RICHARD POTTS #5	MECHANIC	0.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED: 11/02/81 JA: OH					
8204788		3411122259		107	-DV	CHRISTENA VAN FOSSEN #1	BETHEL	12.0	
8204787		3411121962		107	-DV	WALTER CHRISTMAN #1	FRANKLIN	15.0	COLUMBIA GAS TRAN
-PENN-OHIO ENERGY CORP				RECEIVED: 11/02/81 JA: OH					
8204805		3407522923		103		ALBERT BEACHY W-1-1	WALNUT CREEK	45.0	COLUMBIA GAS TRAN
8204805		3407522923		107	-TF	ALBERT BEACHY W-1-1	WALNUT CREEK	45.0	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FUND - 80				RECEIVED: 11/02/81 JA: OH					
8204822		3407522941		107	-TF	E LASTOHKEIN #1	PRAIRIE-HOLMES POOL	54.0	COLUMBIA GAS TRAN
8204817		3416922380		107	-TF	H E DOTTERER #1	MILTON-WAYNE POOL	28.0	COLUMBIA GAS TRAN
8204820		3416922642		107	-TF	H G KRABILL TRUST #4	CANAAN-WAYNE POOL	40.5	COLUMBIA GAS TRAN
8204821		3416922643		107	-TF	H G KRABILL TRUST #5	CANAAN-WAYNE POOL	9.0	COLUMBIA GAS TRAN
8204818		3416922568		107	-TF	J N SCHAR #1	MILTON-WAYNE POOL	54.0	COLUMBIA GAS TRAN
8204819		3416922583		107	-TF	WILBUR C WISE #2	PLAIN-WAYNE POOL	14.0	COLUMBIA GAS TRAN
-PETROLEUM SECURITIES FUND 79				RECEIVED: 11/02/81 JA: OH					
8204808		3416922293		103		GEISER #3	WAYNE	24.0	COLUMBIA GAS TRAN
8204808		3416922293		107	-TF	GEISER #3	WAYNE	24.0	COLUMBIA GAS TRAN
8204809		3416922294		103		GEISER #4	WAYNE	24.0	COLUMBIA GAS TRAN
8204809		3416922294		107	-TF	GEISER #4	WAYNE	24.0	COLUMBIA GAS TRAN
8204815		3416922303		107	-TF	GEORGE & BEULAH MILLER #4	WAYNE	12.0	COLUMBIA GAS TRAN
8204814		3416922302		107	-TF	GEORGE & BEULAH MILLER #5	WAYNE	12.0	COLUMBIA GAS TRAN
8204810		3416922295		103		LESTER GEISER #5	WAYNE	24.0	COLUMBIA GAS TRAN
8204810		3416922295		107	-TF	LESTER GEISER #5	WAYNE	24.0	COLUMBIA GAS TRAN
8204811		3416922296		103		LESTER GEISER #6	WAYNE	24.0	COLUMBIA GAS TRAN
8204811		3416922296		107	-TF	LESTER GEISER #6	WAYNE	24.0	COLUMBIA GAS TRAN
8204816		3416922318		107	-TF	PAUL SNURE #2	WAYNE	12.0	COLUMBIA GAS TRAN
8204812		3416922299		107	-TF	REICHERT #1	CHESTER	12.0	COLUMBIA GAS TRAN
8204813		3416922301		107	-TF	ROBERT & CATHERINE OSMUNDSEN #1	CLINTON	12.0	COLUMBIA GAS TRAN
8204806		3416922273		107	-TF	ROBERT MOOREHEAD #3	CLAYTON	12.0	COLUMBIA GAS TRAN
8204807		3416922274		107	-TF	THOMAS SPARR #1	CLINTON	12.0	COLUMBIA GAS TRAN
-POI ENERGY INC				RECEIVED: 11/02/81 JA: OH					
8204794		3413322122		107	-TF	BECK-DAVIS #4	STREETSBORO	10.0	
8204792		3413321861		107	-TF	BECK-WILSON-GRIFFITH #1	STREETSBORO	45.0	
8204803		3415320748		107	-TF	FLOOD #1	HUDSON	25.0	
8204802		3415320719		107	-TF	GALE-RMD #1	HUDSON	15.0	
8204799		3413322516		103		GOLFWORLD #4	FRANKLIN	40.6	
8204799		3413322516		107	-TF	GOLFWORLD #4	FRANKLIN	40.6	
8204804		3415320816		107	-TF	KOBERNA #1	HUDSON	40.0	
8204801		3415320718		107	-TF	MOSS-AESCHLIMAN-HASBROUCK #1	HUDSON	5.0	
8204800		3415320699		107	-TF	REINTHAL #1	RICHFIELD	7.0	

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204791		3413321649		107	-TF	SPERRY #1	STREETSBORO	60.0	
8204790		3413321648		107	-TF	SPERRY #2	STREETSBORO	50.0	
8204789		3413321647		107	-TF	SPERRY #3	STREETSBORO	50.0	
8204797		3413322214		107	-TF	THORTON-HORVATH #1	AURORA	50.0	
8204793		3413322065		107	-TF	WILCOX #1A	STREETSBORO	125.0	
8204795		3413322204		107	-TF	WILCOX-ADAMS #1	STREETSBORO	60.0	
8204796		3413322205		107	-TF	WILCOX-ADAMS #2	STREETSBORO	75.0	
8204798		3413322216		107	-TF	WILCOX-STEVENS #1	STREETSBORO	60.0	
-POMSTONE CORP				RECEIVED: 11/02/81 JA: OH					
8204823		3403124119		103		CHESTER STAHL #3	COSHOCTON	40.0	
8204823		3403124119		107	-TF	CHESTER STAHL #3	COSHOCTON	40.0	
-RELIANCE ENERGY				RECEIVED: 11/02/81 JA: OH					
8204848		3407522198		107	-TF	T W YOUNG #1	PRAIRIE	15.0	COLUMBIA GAS TRAN
-ROWLEY & BROWN PETROLEUM CORP				RECEIVED: 11/02/81 JA: OH					
8204825		3403123709		107	-TF	SHAH SHAH & PATEL #1	BEDFORD	0.0	COLUMBIA GAS TRAN
8204826		3403123731		107	-TF	SHAH SHAH & PATEL #2	BEDFORD	84.0	COLUMBIA GAS TRAN
-SUNSET PETROLEUM INC				RECEIVED: 11/02/81 JA: OH					
8204840		3407523039		103		AARON SCHLABACH #1	PRAIRIE	10.0	COLUMBIA GAS TRAN
8204840		3407523039		107	-TF	AARON SCHLABACH #1	PRAIRIE	10.0	COLUMBIA GAS TRAN
8204839		3407523019		103		SAM MILLER #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
8204839		3407523019		107	-TF	SAM MILLER #1	SALT CREEK	10.0	COLUMBIA GAS TRAN
-SUPERIOR PETROLEUM INC				RECEIVED: 11/02/81 JA: OH					
8204838		3411122357	D	107	-TF	BAKER #1	MALAGA	0.0	TEXAS EASTERN TRA
8204837		3411122356	D	107	-TF	BAKER #2	MALAGA	0.0	TEXAS EASTERN TRA
8204835		3411122125	D	107	-TF	GALLAGHER #2	MALAGA	0.0	TEXAS EASTERN TRA
8204831		3401320371	D	107	-TF	HARPER #1	WAYNE	0.0	TEXAS EASTERN TRA
8204832		3401320372	D	107	-TF	HARPER #3	WAYNE	0.0	TEXAS EASTERN TRA
8204833		3401320380	D	107	-TF	JEFFERIES #1	SOMERSET	0.0	TEXAS EASTERN TRA
8204830		3401320368	D	107	-TF	STIRES #2	WAYNE	0.0	TEXAS EASTERN TRA
8204834		3411122059	D	107	-TF	WARD #2	MALAGA	0.0	TEXAS EASTERN TRA
8204836		3411122353	D	107	-TF	WARD #4	MALAGA	0.0	TEXAS EASTERN TRA
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 11/02/81 JA: OH					
8204775		3413321691		103		BERG #2	NELSON	15.0	EAST OHIO GAS CO
8204775		3413321691		107	-TF	BERG #2	NELSON	15.0	EAST OHIO GAS CO
-TITAN ENERGY CORP				RECEIVED: 11/02/81 JA: OH					
8204860		3405922982		103		B & M JONES - UNIT 2 #2	KNOX	20.0	EAST OHIO GAS CO
8204860		3405922982		107	-TF	B & M JONES - UNIT 2 #2	KNOX	20.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO				RECEIVED: 11/02/81 JA: OH					
8204845		3405922929		103		BLACKWOOD #2	GUERNSEY	0.0	
8204845		3405922929		107	-TF	BLACKWOOD #2	GUERNSEY	0.0	
8204846		3405922931		103		FRAME #1	GUERNSEY	0.0	
8204846		3405922931		107	-TF	FRAME #1	GUERNSEY	0.0	
8204842		3405922879		107	-TF	HYDE/BURROUGHS #1	GUERNSEY	0.0	
8204841		3405922576	D	107	-TF	KELLER #1	GUERNSEY	0.0	
8204843		3405922920		103		STARR #1	GUERNSEY	0.0	
8204843		3405922920		107	-TF	STARR #1	GUERNSEY	0.0	
8204844		3405922921		103		STEPHENS #1	GUERNSEY	0.0	
8204844		3405922921		107	-TF	STEPHENS #1	GUERNSEY	0.0	
8204847		3405922934		103		YODER #1	GUERNSEY	0.0	
8204847		3405922934		107	-TF	YODER #1	GUERNSEY	0.0	
-V F HYDROCARBON				RECEIVED: 11/02/81 JA: OH					
8204764		3413322096		107	-TF	EASTON/ELLIOTT #1	PARIS	1.5	COLUMBIA GAS TRAN
8204765		3415521370		107	-TF	J E ZELENAK #2	NEWTON	1.5	COLUMBIA GAS TRAN

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JO NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-VIKING RESOURCES CORP						RECEIVED: 11/02/81 JA: OH			
8204849		3401921433		133		BEATTY UNIT #1	BROWN	30.0	
8204849		3401921433		107	TF	BEATTY UNIT #1	BROWN	30.0	
8204850		3401921434		103		BEATTY UNIT #2	BROWN	30.0	
8204850		3401921434		107	TF	BEATTY UNIT #2	BROWN	30.0	
8204851		3401921435		103		BEATTY UNIT #3	BROWN	30.0	
8204851		3401921435		107	TF	BEATTY UNIT #3	BROWN	30.0	
8204856		3415123519		103		MILLER-SMITH UNIT #2	PARIS	30.0	
8204856		3415123519		107	TF	MILLER-SMITH UNIT #2	PARIS	30.0	
8204855		3415123518		103		MILLER/SMITH UNIT #1	PARIS	30.0	
8204855		3415123518		107	TF	MILLER/SMITH UNIT #1	PARIS	30.0	
8204857		3415123531		103		R & G MILLER #2	PARIS	30.0	
8204857		3415123531		107	TF	R & G MILLER #2	PARIS	30.0	
8204858		3415123532		103		R & G MILLER #3	PARIS	30.0	
8204858		3415123532		107	TF	R & G MILLER #3	PARIS	30.0	
8204854		3415123515		103		WALTZ #3	PARIS	30.0	
8204854		3415123515		107	TF	WALTZ #3	PARIS	30.0	
8204853		3415123514		103		WALTZ UNIT #2	PARIS	30.0	
8204853		3415123514		107	TF	WALTZ UNIT #2	PARIS	30.0	
8204852		3415123508		103		YODER UNIT #1	PARIS	30.0	
8204852		3415123508		107	TF	YODER UNIT #1	PARIS	30.0	
-W J LYDIC INC						RECEIVED: 11/02/81 JA: OH			
8204767		3411122440		107	DV	CONLEY #3B	JACKSON	108.0	COLUMBIA GAS TRAN
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-TENNECO OIL COMPANY						RECEIVED: 11/02/81 JA: OK			
8204877	11964	3500920353		107	DP	SWEET 1-21	S NEW LIBERTY	200.0	TENNESSEE GAS PIP

OTHER PURCHASERS

8204875 AMERADA HESS CORP
8204878 ST REGIS PAPER CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 22, 1981.

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35019 Filed 12-4-81; 8:45 am]
BILLING CODE 6450-85-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD									
-ANDERMAN OPERATING COMPANY				RECEIVED: 10/26/81 JA: AL					
8204388	10-9-814PD	0105720251		102-4		H G WOODWARD #25-5	MUSGROVE CREEK	20.0	
8204393	10-9-8110PD	0107520357		102-4		WALLACE #35-14	NORTH BLOWHORN CREEK	18.0	
-GRACE PETROLEUM CORPORATION				RECEIVED: 10/26/81 JA: AL					
8204391	10-9-817PD	0105720236		102-4		LANINGHAM HEIRS 11-1	STUDHORSE CREEK	0.0	CORONADO TRANSMIS
-PETROLEUM CORPORATION OF TEXAS				RECEIVED: 10/26/81 JA: AL					
8204390	10-9-816PD	0107520301		102-4		DELANEY-LOGGINS UNIT 3-15 #1	BEAVERTON	273.6	NORTHWEST ALABAMA
8204392	10-9-818-PD	0107520300		102-4		FRANK BURNETTE #1 WELL	NORTH BLOWHORN CREEK	100.0	SOUTHERN NATURAL
-PRUET PRODUCTION CO				RECEIVED: 10/26/81 JA: AL					
8204389	10-9-815-PD	0107520329		102-2		HERRON 11-4 #1	MILLPORT	0.0	TENNESSEE GAS PIP
-SOUTHLAND ROYALTY CO				RECEIVED: 10/26/81 JA: AL					
8204386	S-1-8117PD-A	0107520309		102-2		C C CUNNINGHAM 24-10 #1	MCGEE LAKE	450.0	TENNESSEE GAS PIP
8204387	10-9-811PD	0107520343		102-2		R M VARNON 12-15 #1	MILLPORT	525.0	TENNESSEE GAS PIP
MISSISSIPPI OIL & GAS BOARD									
-EXXON CORPORATION				RECEIVED: 10/28/81 JA: MS					
8204402	42-81-27	2309120116		102-4		SANDY HOOK GAS UNIT 28 #1	SANDY HOOK	0.0	SOUTHERN NATURAL
-GRACE PETROLEUM CORPORATION				RECEIVED: 10/28/81 JA: MS					
8204397	77-81-351	2309520323		103		DABBS 2-2	CORINNE	0.0	SOUTHERN NATURAL
-KILROY CO OF TEXAS				RECEIVED: 10/28/81 JA: MS					
8204394	82-81-361	2302920005		102-4		INTERNATIONAL PAPER CO #3	GLANCY	380.0	MISSISSIPPI FUEL
-MARION CORPORATION				RECEIVED: 10/28/81 JA: MS					
8204399	71-81-372	2312720061		103		BERRY 32-1 #1	OAKGROVE	400.0	MISSISSIPPI POWER
-RADZEWICZ OPERATING CORP				RECEIVED: 10/28/81 JA: MS					
8204396	75-81-512	2315720995		102-2		MARTENS-SESSIONS UNIT #1	ASHWOOD	0.0	TENNESSEE GAS PIP
-SHELL OIL CO				RECEIVED: 10/28/81 JA: MS					
8204401	68-81-533	2311320097		102-4		A T HUTTO #1	OLIVE	50.0	
8204398	72-81-533	2311320102		102-4		JONES #1	OLIVE	40.0	
8204400	69-81-533	2311320101		102-4		TURNER ET AL UNIT #1	OLIVE	40.0	
-SONAT EXPLORATION COMPANY				RECEIVED: 10/28/81 JA: MS					
8204395	78-81-448	2309120148		102-4		RANKIN #1	WEST SANDY HOOK	50.0	SOUTHERN NATURAL
OKLAHOMA CORPORATION COMMISSION									
-AN-SON CORPORATION				RECEIVED: 10/29/81 JA: OK					
8204568	14605	3514920163		107-DP		VOGT #1	S E CLINTON	591.3	
-ANDOVER OIL COMPANY				RECEIVED: 10/29/81 JA: OK					
8204559	09317	3501721412		103		MATTHIES #31-1		185.0	DELHI GAS PIPELIN
8204572	7358	3501721596		103		RATCLIFF #19-2		175.0	PHILLIPS PETROLEU
-AVANTI ENERGY CORP				RECEIVED: 10/29/81 JA: OK					

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204565	11166	3501121520		103		MCCLUNG #1		419.7	MICHIGAN WISCONSI
-B J KELLENBERGER				RECEIVED: 10/29/81 JA: OK					
8204536	11299	3512120748		103		HAROLD BROW #1	CROMWELL	150.0	ARKANSAS LOUISIAN
-BERRY PETROLEUM CORP				RECEIVED: 10/29/81 JA: OK					
8204548	11074	3509322120		103		PERRY #3-1	SOONER TREND	80.0	UNION TEXAS PETRO
-BUNKER EXPLORATION CO				RECEIVED: 10/29/81 JA: OK					
8204573	09678	3504500000		103		BROWN 1-4	WEST SHATTUCK	0.0	NORTHERN NATURAL
-CHAMPLIN PETROLEUM COMPANY				RECEIVED: 10/29/81 JA: OK					
8204560	11130	3510920434		103		O'BRIEN UNIT #1	W EDMOND	0.0	PHILLIPS PETROLEU
-CONOCO INC				RECEIVED: 10/28/81 JA: OK					
8204385	14718	3500900000		107-DP		WALLACE D #4	S W MAYFIELD	127.8	OKLAHOMA NATURAL
-EASON OIL COMPANY				RECEIVED: 10/29/81 JA: OK					
8204567	14590	3509320784		108		M O HUGHES #2	OAKDALE	13.3	DELHI GAS PIPELIN
-F C D OIL CORP				RECEIVED: 10/29/81 JA: OK					
8204550	14299	3504722630		102-4		DAVID 1-16	KREMLIN	18.0	C R A INC
-HARPER OIL COMPANY				RECEIVED: 10/29/81 JA: OK					
8204534	11249	3508320819		103		ROTHERMEL #1	W MULHALL	8.0	EASON OIL CO
-J WALTER DUNAN JR				RECEIVED: 10/29/81 JA: OK					
8204562	14629	3512920572		107-DP		CLIFT-THORNTON #1	S W CHEYENNE	730.0	
-JACK CUTBIRTH				RECEIVED: 10/29/81 JA: OK					
8204580	10846	3508320828		103		HAMIEL #1	SOONER TREND	6.0	EASON OIL CO
-JAY PETROLEUM INC				RECEIVED: 10/29/81 JA: OK					
8204535	11264	3510920295		103		MOBIL KIBBY #1		100.0	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED: 10/29/81 JA: OK					
8204538	12925	3501121459		102-4		CARL JONES #1	N E FAYE	700.0	DELHI GAS PIPELIN
-LEECO OIL CO				RECEIVED: 10/29/81 JA: OK					
8204571	11016	3514320929		103		RAINES #1	SKIATOOK (EAST BIRDCREEK	140.0	PHILLIPS PETROLEU
-LRF CORP				RECEIVED: 10/29/81 JA: OK					
8204569	10857	3506320835		103		ALSTATT #1	SOUTH DUSTIN	36.0	PUBLIC SERVICE CO
-MGF OIL CORP				RECEIVED: 10/29/81 JA: OK					
8204533	11231	3505120865		103		PARKS #3	SOUTH CHICKASHA	17.0	TRANSOK PIPELINE
8204532	11230	3505120864		103		RAMSEY #4	SOUTH CHICKASHA	457.0	TRANSOK PIPELINE
8204545	11229	3505120941		103		WALTERS 2-25	SOUTH CHICKASHA	153.0	TRANSOK PIPELINE
-NIXON-DAVIS ENERGY CO INC				RECEIVED: 10/29/81 JA: OK					
8204553	11220	3508300000		103		MORRIS #1		0.0	EASON OIL CO
-P-T LTD 81				RECEIVED: 10/29/81 JA: OK					
8204564	11149	3504722488		103		VCULEK 28-3	SOONER TREND	35.0	WELLHEAD ENTERPRI
-PHILLIPS PETROLEUM COMPANY				RECEIVED: 10/29/81 JA: OK					
8204575	11098	3504721516		103		ALWERT A #1	SOONER TREND	36.0	TRANSOK PIPE LINE
8204541	11099	3504721330		103		BENKENDORF "A" #1	SOONER TREND	38.0	TRANSOK PIPE LINE
8204539	11100	3504721568		103		BLAKE "B" #2-27	SOONER TREND	80.0	TRANSOK PIPE LINE
8204544	11115	3504721462		103		BROOKS "B" #2	SOONER TREND	36.0	TRANSOK PIPE LINE
8204556	11113	3504721616		103		EDITH "A" #1	SOONER TREND	105.0	TRANSOK PIPE LINE
8204555	11110	3504721469		103		EHLERS "C" #2	SOONER TREND	10.0	TRANSOK PIPE LINE
8204543	11112	3504721284		103		FRICKENSCHMIDT "A" #1	SOONER TREND	8.0	TRANSOK PIPE LINE
8204549	11114	3504721426		103		HEDGES UNIT B #2-31	SOONER TREND	58.0	TRANSOK PIPE LINE
8204540	11106	3504721569		103		LEAVENGOOD #2	SOONER TREND	46.0	TRANSOK PIPE LINE
8204542	11105	3504721561		103		LICHTENBERG "B" #2	SOONER TREND	20.0	TRANSOK PIPE LINE
8204579	11096	3504721425		103		LOHSE A #1	SOONER TREND	20.0	TRANSOK PIPE LINE
8204578	11094	3504721855		103		MAXEY UNIT "C" #2	SOONER TREND	30.0	TRANSOK PIPE LINE
8204577	11079	3501721542		108		ZUM MALLEN F #1	N CONCHO	6.0	PANHANDLE EASTERN
-PHOENIX RESOURCES COMPANY				RECEIVED: 10/29/81 JA: OK					
8204563	1955	3515130244		108-ER		MERLIN CAMP #1-10	SOUTH WEST AVARD	24.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-QUANAH CO				RECEIVED: 10/29/81 JA: OK					
8204537	11300	3512120742		103		PHARAOH #1	BLOCKER-FEATHERSTON	50.0	SE TRANSMISSION &
-READING & BATES PETROLEUM CO				RECEIVED: 10/29/81 JA: OK					
8204551	14465	3503920503		102-2		INDIAN SCHOOL #1-32	N E HAMMON	767.0	
8204546	14466	3512920621		102-2		SHELTON #1A-14	E CHEYENNE	566.0	
-RESCO ENTERPRISES INC				RECEIVED: 10/29/81 JA: OK					
8204574	10792	3511100000		103		MOUSER	HECTORVILLE	15.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED: 10/29/81 JA: OK					
8204554	11250	3506120413		103		REX #2-UPPER ATOKA	KINTA	182.5	ARKANSAS LOUISIAN
8204557	11251	3506120413		103		REX NO 2-SPIRO	KINTA	136.9	ARKANSAS LOUISIAN
-SOUTHPORT EXPLORATION INC				RECEIVED: 10/29/81 JA: OK					
8204547	14469	3515321161		102-2		CHRISTENSEN #1-29	N E MUTUAL	106.0	
-SUNDANCE ENERGY CORP				RECEIVED: 10/29/81 JA: OK					
8204552	11135	3504721317		103		BEGGS #1	N E ENID	73.0	CHAMPLIN PETROLEU
8204558	11134	3504721910		103		FUXA #2	SOONER TREND	237.0	PANHANDLE EASTERN
-TENNECO OIL COMPANY				RECEIVED: 10/29/81 JA: OK					
8204561	11148	3501121526		103		THOMAS KEITH 1-26	OKEENE NW	365.0	DELHI GAS PIPELIN
-TEXACO INC				RECEIVED: 10/29/81 JA: OK					
8204576	11048	3502520478		103		GUSTAVE DENCKER #2	GRIGGS S E	360.0	TRANSWESTERN PIPE
-THE WIL-MC OIL CORP				RECEIVED: 10/29/81 JA: OK					
8204566	11167	3508320686		103		BLAKE A 1	S MULHALL	30.0	EASON OIL CO
-VIERSEN & COCHRAN				RECEIVED: 10/29/81 JA: OK					
8204570	10953	3509322204		103		MORAWSKI-ECK #1	N W OKEENE	35.0	PHILLIPS PETROLEU
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-ALCOVE INVESTMENTS				RECEIVED: 10/29/81 JA: PA					
8204462	9582	3700521587		108		CLARK WHITACRE #1	COWANSHANNOCK	14.0	APOLLO GAS CO
8204461	9581	3700521671		108		CLARK WHITACRE #3	COWANSHANNOCK	14.0	APOLLO GAS CO
8204460	9580	3700521976		108		CLARK WHITACRE #4	COWANSHANNOCK	14.0	APOLLO GAS CO
8204458	9578	3700522315		103		CLARK WHITACRE #5	COWANSHANNOCK	25.0	APOLLO GAS CO
8204459	9579	3700522041		103		KENNETH NEAL #1	COWANSHANNOCK	22.0	APOLLO GAS CO
-AMERICAN DRILLING CO				RECEIVED: 10/29/81 JA: PA					
8204466	9536	3700520405		108		BEATTY HEIRS #1	SPRING CHURCH	3.6	APOLLO GAS CO
8204467	9537	3700520634		108		BEATTY HEIRS #2	SPRING CHURCH	3.6	APOLLO GAS CO
8204468	9538	3700521334		108		BEATTY HEIRS #3	SPRING CHURCH	3.6	APOLLO GAS CO
8204463	9533	3700500000		108		JOHN A FULTON #1	SPRING CHURCH	3.8	PEOPLES GAS CO
8204464	9534	3700520920		108		JOHN A FULTON #2	SPRING CHURCH	3.8	PEOPLES GAS CO
8204465	9535	3700521171		108		JOHN A FULTON #3	SPRING CHURCH	3.8	PEOPLES GAS CO
-BAKER GAS INC				RECEIVED: 10/29/81 JA: PA					
8204469	9253	3700522622		107-PE		WISER #1	SPRING CHURCH	1.4	PEOPLES NATURAL G
-BITTINGER DRILLING CO				RECEIVED: 10/29/81 JA: PA					
8204476	9574	3700520419		108		VERNON H BEER #1	VALLEY	1.5	PEOPLES NATURAL G
-BOYD & SHRIVER				RECEIVED: 10/29/81 JA: PA					
8204478	9393	3706325152		103		CHRISTY #519	CANOE TOWNSHIP	0.0	CONSOLIDATED GAS
-CABOT OIL & GAS CORP				RECEIVED: 10/29/81 JA: PA					
8204479	9602	3703921219		102-2		CARMAN VAZZANA #1	UNION	50.0	TENNESSEE GAS PIP
-CASTLE GAS CO INC				RECEIVED: 10/29/81 JA: PA					
8204489	9561	3706324497		108		C MCHENRY (52A) #2 (C531) IND-24497	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204488	9560	3706324378		108		C MCHENRY #1 (52A)(C-433) IND-24378	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204485	9557	3706324555		108		D C LEASURE #3 (C-530) IND-24555	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204486	9558	3706324559		108		D C LEASURE #4 (182A)(C-525)IND	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204487	9559	3706324298		108		D C LEASURE #5 (C-514) IND-24298	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204484	9556	3706324745		108		D KRIBBS #10 (C-582) IND-24745	CENTER TOWNSHIP	15.4	COLUMBIA GAS TRAN
8204483	9555	3706324673		108		D KRIBBS #9 (C-564) IND-24673	CENTER TOWNSHIP	15.0	COLUMBIA GAS TRAN
8204481	9553	3706324660		108		G DICKIE #3 (C-548) IND-24660	CENTER TOWNSHIP	21.0	COLUMBIA GAS TRAN
8204492	9564	3706324291		108		G SNYDER #1 (C-512) IND-24291	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204493	9565	3706324297		108		G SNYDER #2 (C-513) IND-24297	WASHINGTON TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204482	9554	3706324380		108		H B FAITH #1 (C-431) IND-24380	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204480	9552	3706324837		108		J B COY #1 (22A) (C-542) IND-24837	CENTER TOWNSHIP	20.2	COLUMBIA GAS TRAN
8204494	9566	3712920760		108		J PIGNOCCO #1 (C-274) WES-20760	DERRY TOWNSHIP	15.0	PEOPLES NATURAL G
8204490	9562	3706324526		108		S MCHENRY #3 (C-532) IND-24526	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
8204491	9563	3706324381		108		S SHIREY #1 (C-432) IND-24381	RAYNE TOWNSHIP	20.0	COLUMBIA GAS TRAN
-COMPASS DEVELOPMENT INC				RECEIVED: 10/29/81 JA: PA					
8204496	8332	3705322064		103		FOREST ASSOCIATES 12 (PD-G-12)	DAUBENSPECK	0.0	
8204497	8334	3705322054		103		FOREST ASSOCIATES 2 (PD-G-2)	DAUBENSPECK	0.0	
8204495	8331	3705322055		103		FOREST ASSOCIATES 3 (PD-G3)	DAUBENSPECK	0.0	
-DORAN & ASSOCIATES INC				RECEIVED: 10/29/81 JA: PA					
8204498	5960	3706521727		108		HAROLD HIMES #1 K-8-1	UPPER DEVONIAN SANDS	20.0	NATIONAL FUEL GAS
-DRUCY A MERWIN-				RECEIVED: 10/29/81 JA: PA					
8204511	9590	3712900000		108		JOHN JONES #1	JOHN E JONES	2.3	APOLLO GAS CO
8204512	9591	3700500000		108		LIDA B SEFTON #1	CHARLES S DILL	2.2	APOLLO GAS CO
-EPSILON 1980 S T JOINT VENTURE				RECEIVED: 10/29/81 JA: PA					
8204508	9583	3706522299		103		SMITH BUNDY #2	WINSLOW	25.0	NATIONAL FUEL GAS
-EVERGREEN RESOURCES INC				RECEIVED: 10/29/81 JA: PA					
8204501	9586	3703120820		103		STEWART 2A	WEST FREEDOM	2.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO				RECEIVED: 10/29/81 JA: PA					
8204508	9573	3703320809		108		ALBERT R WALBURN #1 F-2123	GRAMPIAN	8.0	CONSOLIDATED GAS
8204502	9567	3700521299		108		DELBERT HALL #2 - F-569	PLUMVILLE	6.0	APOLLO GAS CO
8204507	9572	3706320865		108		DONALD C SCOTT #1 F-284	MARCHAND	5.0	APOLLO GAS CO
8204506	9571	3706320889		108		JAMES H COON #1 F-289	MARCHAND	4.0	APOLLO GAS CO
8204505	9570	3706320949		108		JAMES H COON #2 F-320	MARCHAND	4.0	APOLLO GAS CO
8204503	9568	3706328411		108		RICHARD D SPRANKLE #1 F-272	MARCHAND	6.0	APOLLO GAS CO
8204504	9569	3706321191		108		RICHARD SPRANKLE #2 F-399	MARCHAND	6.0	APOLLO GAS CO
-GOAL DRILLING CO				RECEIVED: 10/29/81 JA: PA					
8204509	9455	3700521173		108		V WINGARD #62	SMICKSBURG	7.1	APOLLO GAS CO
-IRA F. BITTINGER				RECEIVED: 10/29/81 JA: PA					
8204473	9575	3712900000		108		EUGENE HARKLEROAD #1	BELL	3.0	PEOPLES NATURAL G
8204474	9576	3712920836		108		H N CARNAHAN #2	BELL	2.5	PEOPLES NATURAL G
8204475	9577	3712900000		108		W O SCHWENK #1	ALLEGHENY	1.0	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED: 10/29/81 JA: PA					
8204510	9593	3706325720		103		BYRON C FRICK #1 (48.8A)	WHITE	0.0	COLUMBIA GAS TRAN
-JOSEPH L DUNN				RECEIVED: 10/29/81 JA: PA					
8204499	9542	3705900000		108		VERNON SUPLER	MORRIS TWP	3.0	COLUMBIA GAS TRAN
-MID-EAST OIL CO				RECEIVED: 10/29/81 JA: PA					
8204515	9524	3700522226		103		LAWRENCE SLOAN #1	PLUMVILLE	18.0	APOLLO GAS CO
8204517	9527	3706325089		103		RUTH C FULTON #1	MARION CENTER	13.3	APOLLO GAS CO
8204513	9522	3706325090		103		RUTH C FULTON #2	MARION CENTER	13.3	APOLLO GAS CO
8204514	9523	3706325131		103		RUTH C FULTON #3	MARION CENTER	13.3	APOLLO GAS CO
8204516	9526	3700524760		103		WALTER BASH #1	ELDERTON	15.0	T W PHILLIPS GAS
-PHILLIPS PRODUCTION CO				RECEIVED: 10/29/81 JA: PA					
8204519	9299	3706326391		103		ERNEST E PIERCE #1	CENTER	30.0	
8204524	7380	3706522017		108		GEORGE W LYLE #1	MC CALMONT	2.0	NATIONAL FUEL GAS
8204522	6922	3706323662		108		HELEN RIGELY EST #1	CENTER	10.0	COLUMBIA GAS TRAN
8204520	9335	3706326382		103		JOHN W STOLITZA #1	RAYNE	40.0	
8204521	6883	3706325261		108		LEONARD MUMAU #1	GRANT	5.0	COLUMBIA GAS TRAN

JO NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204523	6939	3703320704		108		WILLIAM D HOCH #1	BELL	15.0	CONSOLIDATED GAS
-T A BECK				RECEIVED: 10/29/81 JA: PA					
8204470	9539	3700500000		108		T A BECK #1	COCHRAN'S MILL	1.9	PEOPLES NATURAL G
8204472	9541	3700500000		108		T A BECK #2	COCHRAN'S MILL	1.9	PEOPLES NATURAL G
8204471	9540	3700500000		108		T A BECK #3	COCHRAN'S MILL	1.9	PEOPLES NATURAL G
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 10/29/81 JA: PA					
8204518	9443	3704921239		102-2		KOSIENSKI #4	MC KEAN	25.0	COLUMBIA GAS TRAN
-THO-JO ENTERPRISES INC				RECEIVED: 10/29/81 JA: PA					
8204477	9471	3706323990		108		ORVILLE WATSON #1	WASHINGTON	5.0	PEOPLES NATURAL G
-TORCAL RESOURCES INC/GOE PRO INC				RECEIVED: 10/29/81 JA: PA					
8204526	9465	3712328446		102-2		EDDY #1	LOTTSVILLE	15.0	COLUMBIA GAS TRAN
8204525	9461	3712328447		102-2		EDDY #2	LOTTSVILLE	15.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED: 10/29/81 JA: PA					
8204527	9528	3706324908		108		KENNETH G JOBE #1 656	RAYNE TOWNSHIP	5.0	COLUMBIA GAS TRAN
8204529	9530	3706324764		108		M DUNCAN TRACT #1 647	CENTER TOWNSHIP	37.0	COLUMBIA GAS TRAN
8204531	9532	3706324997		108		MABEL WISSINGER #1 657	RAYNE TOWNSHIP	15.0	COLUMBIA GAS TRAN
8204528	9529	3706324899		108		ORO HOUCK #1 655	RAYNE TOWNSHIP	4.0	COLUMBIA GAS TRAN
8204530	9531	3706324419		108		WAYNE V & WADE E HELMAN #1 608	RAYNE TOWNSHIP	35.0	COLUMBIA GAS TRAN
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
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-ASHLEY OIL CO				RECEIVED: 10/28/81 JA: WV					
8204436		4701700643		108		WALTON #1	COX-WALTON	1.5	CONSOLIDATED GAS
8204439		4701700686		108		WALTON #2	COX-WALTON	1.5	CONSOLIDATED GAS
8204422		4701700716		108		WALTON #3	COX-WALTON	1.5	CONSOLIDATED GAS
-G W MILLER				RECEIVED: 10/28/81 JA: WV					
8204415		4702101073		108		CARL HECKERT 90-A #1	BIG PANTHER RUN SINKING	0.0	CONSOLIDATED GAS
8204419		4702101344		108		COLLINS HRS #1	NORTH TANNER 26179 BIG P	3.0	CONSOLIDATED GAS
8204417		4702101048		108		IDA GOFF #2	SINKING CREEK LITTLE KAN	2.0	CONSOLIDATED GAS
8204414		4702100791		108		IDA GOFF GAS CO #1	DEKALB	6.0	CONSOLIDATED GAS
8204418		4702101140		108		MATELLA BRANNON GAS CO #1	DE KALB	5.0	CONSOLIDATED GAS
8204416		4702101047		108		O MESSENGER #1	STEWART'S CREEK	2.0	PENNZOIL NATURAL
-HARRY C BOGGS				RECEIVED: 10/28/81 JA: WV					
8204444		4700701634		103		M C CHAPMAN #5	NICUT	18.0	COLUMBIA GAS TRAN
-L & B OIL CO INC				RECEIVED: 10/28/81 JA: WV					
8204441		4707301074		107-DV		CLARK #1	UNION	0.0	COLUMBIA GAS TRAN
8204440		4707301100		107-DV		STEWART #2	UNION	0.0	COLUMBIA GAS TRAN
-MINUTEMAN SUPPLEMENTAL DRILLING FUN				RECEIVED: 10/28/81 JA: WV					
8204426		4702103420		108		ALLEN #2	ASPINALL-FINSTER	10.0	CONSOLIDATED GAS
8204433		4702103443		108		ALLEN #3	ASPINALL-FINSTER	10.0	CONSOLIDATED GAS
8204425		4702103417		108		BAILEY A #1	ASPINALL-FINSTER	5.5	CONSOLIDATED GAS
8204427		4702103429		108		MICK #1	ASPINALL-FINSTER	5.0	CONSOLIDATED GAS
8204432		4702103430		108		SANDY #3	GLENVILLE SOUTH	2.0	EQUITABLE GAS CO
-MONITOR PETROLEUM CORP				RECEIVED: 10/28/81 JA: WV					
8204410		4700101477		103		MONITOR #5 DAVID GOLDEN	BARKER	27.0	COLUMBIA GAS TRAN
-NORWES INDUSTRIES INC				RECEIVED: 10/28/81 JA: WV					
8204448		4701302975		108		M C CARPENTER #1	MINNORA GAS	18.0	CONSOLIDATED GAS
8204447		4701302976		108		M C CARPENTER #2	MINNORA GAS	18.0	CONSOLIDATED GAS
8204449		4701302977		108		M C CARPENTER #3	MINNORA GAS	18.0	CONSOLIDATED GAS
-NRM PETROLEUM CORP				RECEIVED: 10/28/81 JA: WV					
8204454		4709702203		103		TALBOTT #3		0.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION				RECEIVED: 10/28/81 JA: WV					
8204411		4701702923		103		MORGAN A #1	BIG ISAAC	0.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-OVERFLOW GAS CO						RECEIVED: 10/28/81 JA: WV			
8204455		4704302473		103		R H ADKINS-SWEETLAND #1	LAUREL HILL DISTRICT	0.0	COLUMBIA GAS TRAN
-PENNZOIL COMPANY						RECEIVED: 10/28/81 JA: WV			
8204437		4708702073		108		O D STOCKLEY #62	GEARY	0.0	CONSOLIDATED GAS
8204434		4701500101		108		O D STOCKLY #111	HENRY	0.0	CONSOLIDATED GAS
8204435		4701501238		108		O D STOCKLY #91	HENRY	0.0	CONSOLIDATED GAS
8204438		4708702090		108		O D STOCKLY #94	GEARY	0.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY						RECEIVED: 10/28/81 JA: WV			
8204404		4707700102		108		HOLMES B #1	GLADESVILLE	18.0	CONSOLIDATED GAS
8204403		4706100312		108		MANNING B-1	SOUTH BURNS CHAPEL	18.0	CONSOLIDATED GAS
-R & B PETROLEUM INC						RECEIVED: 10/28/81 JA: WV			
8204409		4700101469		103		D DURRETT #1	VALLEY DISTRICT	18.0	PARTNERSHIP PROPE
8204408		4700101292		103		ORION HATHAWAY #1	VALLEY	25.0	PARTNERSHIP PROPE
8204451		4708303070		103		R WILSON #1	ROARING CREEK	25.0	PARTNERSHIP PROPE
8204452		4708300369		103		WARD #1	ROARING CREEK	25.0	PARTNERSHIP PROPE
-R WOLFE OIL & GAS						RECEIVED: 10/28/81 JA: WV			
8204457		4703501013		108		J K BOWLES	ROCKCASTLE	10.0	DEVON CORP
-RALPH L LEADERBRAND						RECEIVED: 10/28/81 JA: WV			
8204424		4703501327		108		O P BARNETT #1	RIPLEY DISTRICT	4.5	CABOT CORP
8204423		4703501258		108		W T SARGENT #1	RIPLEY DISTRICT	4.7	CABOT CORP
-ROBERT R JONES						RECEIVED: 10/28/81 JA: WV			
8204406		4702103769		103		H E SANDY #1	GLENVILLE NORTH	50.0	CONSOLIDATED GAS
8204405		4702103754		103		STELLA LOWTHER #1-A	GLENVILLE NORTH	28.0	CONSOLIDATED GAS
-ROGERS & SCULL						RECEIVED: 10/28/81 JA: WV			
8204407		4701303199		103		LONZO LAUGHLIN #1	LEE DISTRICT	0.0	ROARING FORK GAS
-RSA CORP						RECEIVED: 10/28/81 JA: WV			
8204428		4704301463		108		A E SPURLOCK JR #1-SER NR #117	JEFFERSON DISTRICT	3.5	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO						RECEIVED: 10/28/81 JA: WV			
8204431		4708300402		102-4		FARRAR #1-B	MIDDLE FORK	35.0	EQUITABLE GAS CO
8204453		4705900949		103		P-231	STAFFORD	36.0	CONSOLIDATED GAS
8204443		4706501336		103		P-270	CROOK	36.0	CONSOLIDATED GAS
-SMITH OIL & GAS CO						RECEIVED: 10/28/81 JA: WV			
8204456		4708504974		103		SMITH #2	UNION	0.0	CONSOLIDATED GAS
-SPARTAN GAS COMPANY						RECEIVED: 10/28/81 JA: WV			
8204429		4701100612		108		JAMES PARKINS 1-S-209	GRANT	7.5	COLUMBIA GAS TRAN
-STERLING DRILLING & PROD CO INC						RECEIVED: 10/28/81 JA: WV			
8204442		4700701619		103		MCCUMBERS #419	BIRCH DISTRICT	18.0	EQUITABLE GAS CO
-UNION DRILLING INC						RECEIVED: 10/28/81 JA: WV			
8204430		4708300226		108		FRANCIS E & ERMA RILEY #1-1430	ROARING CREEK	15.0	COLUMBIA GAS TRAN
-UNITED PETRO LTD						RECEIVED: 10/28/81 JA: WV			
8204450		4701302864		108		ISAAC HENSLEY #1	MINNORA	5.0	CONSOLIDATED GAS
8204446		4701302866		108		ISAAC HENSLEY #3	MINNORA	5.0	CONSOLIDATED GAS
8204445		4701302869		108		ISAAC HENSLEY #4	MINNORA	5.0	CONSOLIDATED GAS
-W C HURTT DRILLING CO						RECEIVED: 10/28/81 JA: WV			
8204412		4708504398		103		BRITTON #1	UNION	36.0	CONSOLIDATED GAS
8204420		4708504463		103		LOVE #1	UNION	36.0	CONSOLIDATED GAS
8204421		4708504467		103		RIDDLE #1	UNION	36.0	CONSOLIDATED GAS
8204413		4708504812		103		RIDDLE #2	UNION	36.0	CONSOLIDATED GAS

Kenneth F. Plumb,

Secretary.

FR Doc. 81-35017 Filed 12-4-81; 8:45 am]

BILLING CODE 6450-85-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 25, 1981.

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
FLORIDA DEPARTMENT OF NATURAL RESOURCES									
-EXXON CORPORATION			RECEIVED: 11/02/81 JA: FL						
8204652		0911320193		107	DP	H A SINGLETARY #13-4	BLACKJACK CREEK	400.0	ST REGIS PAPER CO
8204650		0903320036		107	DP	MCDAVID LANDS #31-3	JAY/LEC	450.0	FLORIDA GAS TRANS
8204651		0911320191		107	DP	ST REGIS PAPER CO #9-5A	JAY/LEC	300.0	FLORIDA GAS TRANS
MONTANA BOARD OF OIL & GAS CONSERVATION									
-MOSBACHER PRODUCTION CO			RECEIVED: 11/02/81 JA: MT						
8204601	1-81-1	2509121309		103		WALTER C NELSON #1		90.0	PHILLIPS PETROLEU
8204602	3-81-30	2508321340		102	2	WALTER HARTLAND #1	NORTH ENID AREA	51.0	
WYOMING OIL & GAS CONSERVATION COMMISSION									
-AMOCO PRODUCTION CO			RECEIVED: 10/30/81 JA: WY						
8204594	NG 200-81	4903721684		102	2	CHAMPLIN 452 AMOCO C #1 (LEWIS)	SIBERIA RIDGE-LEWIS	40.0	CITIES SERVICE GA
8204597	NG 204-81	4903721684		107	TF	CHAMPLIN 452 AMOCO C #1 (MV)	SIBERIA RIDGE-MESAVERDE	83.0	CITIES SERVICE GA
8204596	NG 202-81	4902120302		102	2	CHAMPLIN 457 AMOCO C #1	WHITNEY CANYON	2000.0	NATURAL GAS PIPEL
8204598	NG 205-81	4900720520		107	TF	TIERNEY II UNIT #10-7	TIERNEY II UNIT-MESAVERD	23.7	CITIES SERVICE GA
8204593	NG 199-81	4903721588		107	TF	TIERNEY II UNIT #15-13	TIERNEY II UNIT	110.0	CITIES SERVICE GA
8204595	NG 201-81	4900720510		107	TF	TIERNEY II UNIT #9-5	TIERNEY II UNIT-MESAVERD	61.0	CITIES SERVICE GA
-BURLINGTON NORTHERN INC			RECEIVED: 10/30/81 JA: WY						
8204581	NG 175-81	4902720399		102	4	JOHNSON 33-13	BUCK CREEK	7.0	PHILLIPS PETROLEU
8204582	NG 176-81	4900921834		102	2	STATE 21-36	SCOTT	36.0	CHINOOK CONSTRUCT
-CITIES SERVICE COMPANY			RECEIVED: 10/30/81 JA: WY						
8204591	NG-191-81	4900720568		103		STATE H #1	FILLMORE	42.0	CITIES SERVICE GA
-NATURAL GAS CORP			RECEIVED: 10/30/81 JA: WY						
8204585	NG 179-81	4902320403		103		NGC 31-5 BUCK	FONTENELLE II	96.0	PACIFIC GAS TRANS
-RAINBOW RESOURCES INC			RECEIVED: 10/30/81 JA: WY						
8204586	NG 182-81	4902300000		108		ARNOLD LARSON 2-2	CRAVEN CREEK	2.0	NORTHWEST PIPELIN
8204588	NG 184-81	4900720280		108		STATE 1-9	SMITH RANCH	10.0	NORTHWEST PIPELIN
8204587	NG 183-81	4900720308		108		STATE 22-9	SMITH RANCH	8.0	NORTHWEST PIPELIN
-RESOURCES INVESTMENT CORPORATION			RECEIVED: 10/30/81 JA: WY						
8204584	NG 178-81	4904521496		102	4	WEST TODD #1	WEST TODD	31.0	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION			RECEIVED: 10/30/81 JA: WY						
8204583	NG 177-81	4900500000		103		DOUD #1-23	KITTY	55.0	MGPC INC
-SUN OIL COMPANY (DELAWARE)			RECEIVED: 10/30/81 JA: WY						
8204592	NG 194-81	4900525634		103		UTE MUDDY SAND UNIT #3-17	UTE	0.5	MCCULLOCH OIL COR
-TEXAS OIL & GAS CORP			RECEIVED: 10/30/81 JA: WY						
8204599	NG 208-81	4903721597		107	TF	AMOCO ANTELOPE FLATS #1	WILDCAT	40.0	CITIES SERVICE GA
8204600	NG 207-81	4903721598		107	TF	ANTELOPE FLATS STATE #1	WILDCAT	182.5	CITIES SERVICE GA
-THE ANSCHUTZ CORPORATION			RECEIVED: 10/30/81 JA: WY						

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204589	NG 186-81	4904120325		102-2		ANSCHUTZ RANCH EAST W12-26	ANSCHUTZ RANCH EAST	400.0	NATURAL GAS PIPEL
-WEXPRO CO		RECEIVED: 10/30/81 JA: WY							
8204590	NG 19-81	4900921707		102-2		WERNER #25-1	SPEARHEAD RANCH	182.0	MOUNTAIN FUEL SUP
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** U.S. GEOLOGICAL SURVEY - METAIRIE,LA									
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-AMOCO PRODUCTION CO		RECEIVED: 11/02/81 JA: LA 3							
8204663	G1-2150	1770240405		102-5		OCS-G-2231 #A-5C	WEST CAMERON	730.0	COLUMBIA GULF TRA
-CNG PRODUCING COMPANY		RECEIVED: 11/02/81 JA: LA 3							
8204685	G1-2151	1770640312		102-5		A-7D4	VERMILION	600.0	CONSOLIDATED GAS
-CONOCO INC		RECEIVED: 11/02/81 JA: LA 3							
8204665	G1-2156	1770240606		102-5		WEST CAMERON 459 A-1	WEST CAMERON	2870.0	TEXAS EASTERN TRA
8204664	G1-2157	1770240606		102-5		WEST CAMERON 459 A-1D	WEST CAMERON	2120.0	TEXAS EASTERN TRA
8204654	G1-2158	1770240615		102-5		WEST CAMERON 459 A-2	WEST CAMERON	2120.0	TEXAS EASTERN TRA
8204660	G1-2159	1770240615		102-5		WEST CAMERON 459 A-2D	WEST CAMERON	980.0	TEXAS EASTERN TRA
8204656	G1-2160	1770240642		102-5		WEST CAMERON 459 A-3 ST	WEST CAMERON	4630.0	TEXAS EASTERN TRA
-EXXON CORPORATION		RECEIVED: 11/02/81 JA: LA 3							
8204691	G1-2272	1770240658		102-1		OCS-G4201 #A-15	WEST CAMERON	2000.0	
-GULF OIL CORPORATION		RECEIVED: 11/02/81 JA: LA 3							
8204690	G1-2277	1771540338		102-1		OCS-G 3593 #A-1	SOUTH TIMBALIER	3000.0	TEXAS EASTERN TRA
8204689	G1-2278	1771540396		102-1		OCS-G 3593 #A-2	SOUTH TIMBALIER	3000.0	TEXAS EASTERN TRA
8204673	G1-2279	1771540398		102-1		OCS-G 3593 #A-3	SOUTH TIMBALIER	3000.0	TEXAS EASTERN TRA
8204680	G1-2280	1771540408		102-1		OCS-G 3593 #A-4	SOUTH TIMBALIER	3000.0	TEXAS EASTERN TRA
8204696	G1-2135	1770940437		102-5		OCS-G-0983 #G-15	EUGENE ISLAND	9125.0	SEA ROBIN PIPELIN
-KERR-MCGEE CORPORATION		RECEIVED: 11/02/81 JA: LA 3							
8204666	G1-2299	1771540393		102-1		OCS-G-4119 #C-2	SOUTH TIMBALIER	1310.0	TENNESSEE GAS PIP
-MCMORAN OFFSHORE EXPLORATION CO		RECEIVED: 11/02/81 JA: LA 3							
8204655	G1-2163	1770240660		102-5		OCS-G 2545 #A-1	WEST CAMERON	1825.0	
-MOBIL OIL EXPLORATION & PROD S E		RECEIVED: 11/02/81 JA: LA 3							
8204675	G1-2178	1771040918		102-1		EUGENE IS 354 #A - 7A	EUGENE ISLAND	40.0	SEA ROBIN PIPELIN
8204676	G1-2179	1771040918		102-1		EUGENE IS 354 #A - 7B (ALT)	EUGENE ISLAND	200.0	SEA ROBIN PIPELIN
8204684	G1-2129	1771140464		102-5		SHIP SHOAL 63 #4A	SHIP SHOAL	250.0	TRANSCONTINENTAL
8204687	G1-2130	1771140464		102-5		SHIP SHOAL 63 #4B(ALT)	SHIP SHOAL	250.0	TRANSCONTINENTAL
8204699	G1-2060	1771140499		102-5		SHIP SHOAL 63 #6A	SHIP SHOAL	900.0	TRANSCONTINENTAL
8204698	G1-2061	1771140499		102-5		SHIP SHOAL 63 #6B (ALT TO 6A)	SHIP SHOAL	250.0	TRANSCONTINENTAL
8204700	G1-2062	1771140499		102-5		SHIP SHOAL 63 #6C	SHIP SHOAL	250.0	TRANSCONTINENTAL
8204682	G1-2144	1771340021		102-5		SOUTH PELTO 10 # 6B (ALT.)	SOUTH PELTO	76.0	TRANSCONTINENTAL
-OCEAN PRODUCTION CO		RECEIVED: 11/02/81 JA: LA 3							
8204688	G1-2143	1770940427		102-5		OCS-0317 #8A	EUGENE ISLAND BLK 47 FIE	800.0	SEA ROBIN PIPELIN
-TENNECO OIL COMPANY		RECEIVED: 11/02/81 JA: LA 3							
8204694	G1-2252	1773140027		102-1		SABINE PASS 13 B-1	SABINE PASS	1700.0	TENNESSEE GAS PIP
8204661	G1-2298	1773140030		102-1		SABINE PASS 13 B-2	SABINE PASS	17.5	TENNESSEE GAS PIP
8204693	G1-2253	1773140032		102-1		SABINE PASS 13 B-3	SABINE PASS	17.5	TENNESSEE GAS PIP
8204653	G1-2086	1771140327		102-5		SHIP SHOAL 198 H-5	SHIP SHOAL	1095.0	TENNESSEE GAS PIP
8204701	G1-2063	1770740100		102-5		SOUTH MARSH ISLAND 61 B-8	SOUTH MARSH ISLAND	1000.0	TENNESSEE GAS PIP
-TEXACO INC		RECEIVED: 11/02/81 JA: LA 3							
8204705	G1-2291	1771040896		102-1		OCS G-3569 #A-1	EUGENE ISLAND	352.0	NATURAL GAS PIPEL
8204695	G1-2293	1771040926		102-1		OCS G-3569 #A-3	EUGENE ISLAND	352.0	NATURAL GAS PIPEL
8204706	G1-2292	1771040919		102-1		OCS-G3569 #A-2	EUGENE ISLAND	352.0	NATURAL GAS PIPEL
-UNION OIL COMPANY OF CALIF		RECEIVED: 11/02/81 JA: LA 3							
8204681	G1-2146	1770340217		102-5		OCS 0935 #11	EAST CAMERON	1650.0	TRANSCONTINENTAL
8204697	G1-2180	1770340225		102-5		OCS-G 1475 #5	EAST CAMERON	1095.0	TRANSCONTINENTAL
-AMINOIL USA INC		RECEIVED: 11/02/81 JA: TX 3							

JD NO	JA DKT	API NO	D	SEC CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
8204659	G1-2097	4270940505		102-5	OCS-G-2712 #A-16	HIGH ISLAND BLOCK A-561	178.0	COLUMBIA GAS TRAN
8204658	G1-2099	4270940518		102-5	OCS-G-2712 #A-13	HIGH ISLAND BLOCK A-561	87.0	COLUMBIA GAS TRAN
8204657	G1 2095	4270940499		102-5	OCS-G-2712 #A-9	HIGH ISLAND BLOCK A-561	78.0	COLUMBIA GAS TRAN
-AMOCO PRODUCTION CO					RECEIVED: 11/02/81 JA: TX 3			
8204667	G0-1657	4271140428	D	102-5	OCS-G-2743 B-8	HIGH ISLAND	2920.0	NATURAL GAS PIPEL
-CITIES SERVICE COMPANY					RECEIVED: 11/02/81 JA: TX 3			
8204703	G1-2284	4270330190		102-1	MATAGORDA ISLAND 526 # C-1	MATAGORDA ISLAND 526 #	6600.0	EL PASO NATURAL G
8204704	G1-2285	4270330213		102-1	MATAGORDA ISLAND 526 #D-1	MATAGORDA ISLAND	16.5	EL PASO NATURAL G
8204707	G1-2263	4270340016		102-1	MATAGORDA ISLAND 686 #A-2	MATAGORDA ISLAND	1650.0	NORTHERN NATURAL
8204692	G1-2262	4270340013		102-1	OCS G-3465 #A-1	MATAGORDA ISLAND	0.0	NORTHERN NATURAL
8204670	G1-2271	4270340093		102-1	OCS G-3465 #A-10	MATAGORDA ISLAND	700.0	NORTHERN NATURAL
8204677	G1-2264	4270340036		102-1	OCS G-3465 #A-3	MATAGORDA ISLAND	7000.0	NORTHERN NATURAL
8204678	G1-2265	4270340039		102-1	OCS G-3465 #A-4	MATAGORDA ISLAND	7000.0	NORTHERN NATURAL
8204679	G1-2266	4270340049		102-1	OCS G-3465 #A-5	MATAGORDA ISLAND	7000.0	NORTHERN NATURAL
8204683	G1-2268	4270340070		102-1	OCS G-3465 #A-7	MATAGORDA ISLAND	0.0	NORTHERN NATURAL
8204668	G1-2269	4270340080		102-1	OCS G-3465 #A-8	MATAGORDA ISLAND	7000.0	NORTHERN NATURAL
8204669	G1-2270	4270340091		102-1	OCS G-3465 #A-9	MATAGORDA ISLAND	700.0	NORTHERN NATURAL
-EXXON CORPORATION					RECEIVED: 11/02/81 JA: TX 3			
8204708	G1-2186	4270840093		102-5	OCS-G 3237 #A-6	HIGH ISLAND	4000.0	TRANSCONTINENTAL
8204686	G1-2137	4271140496		102-5	OCS-G 3313 #A-10	HIGH ISLAND	1300.0	COLUMBIA GAS TRAN
8204662	G1-2304	4271140414		102-1	OCS-G 3486 #A-1 ST #1	HIGH ISLAND	4000.0	COLUMBIA GAS TRAN
8204671	G1-2300	4271140490		102-1	OCS-G 3486 #B-3	HIGH ISLAND	4000.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION					RECEIVED: 11/02/81 JA: TX 3			
8204674	G1-2128	4270640034		102-5	OCS 092 7-U	OFFSHORE GALVESTON TX BL	200.0	TRANSCONTINENTAL
-TENNECO OIL COMPANY					RECEIVED: 11/02/81 JA: TX 3			
8204702	G1-2066	4271140491		102-5	HIGH ISLAND A-270 #B-8	HIGH ISLAND	2433.0	TENNESSEE GAS PIP
8204672	G1-2325	4271540005		102-1	SABINE PASS 18 A-1	SABINE PASS	9700.0	TENNESSEE GAS PIP
**********								
** U.S. GEOLOGICAL SURVEY - CASPER,WY								
**********								
-FUEL RESOURCES DEVELOPMENT CO					RECEIVED: 11/02/81 JA: MT 5			
8204612	M307-1	2500521959		102-2	24-24-18	LEROY	16.5	MONTANA POWER CO
-MIDLANDS GAS CORPORATION					RECEIVED: 11/02/81 JA: MT 5			
8204624	M319-1	2507121487		108	FEDERAL 1 0268	WILDCAT	20.0	KANSAS-NEBRASKA N
8204637	M336-1	2507121706		102-2	FEDERAL 1 1431	BOWDOIN	112.0	KANSAS-NEBRASKA N
8204647	M349-1	2507121703		102-2	FEDERAL 1 2260	BOWDOIN	152.0	KANSAS-NEBRASKA N
8204636	M335-1	2507121714		102-2	FEDERAL 1 2331	BOWDOIN	58.0	KANSAS-NEBRASKA N
-SOUTHLAND ROYALTY CO					RECEIVED: 11/02/81 JA: MT 5			
8204605	M255-1	2507121747		102-2	FEDERAL 0962 #1	BOWDOIN DOME	53.0	KANSAS NEBRASKA N
8204604	M253-1	2507121744		102-2	FEDERAL 2862 #1	BOWDOIN DOME	41.0	KANSAS NEBRASKA N
-AL-AQUITAINE EXPLORATION LTD					RECEIVED: 11/02/81 JA: ND 5			
8204642	ND342-1	3300700650		102-2	U S 4-11	TR	180.0	WESTERN GAS PROCE
8204609	ND296-1	3300700356		102-2	US #3-12	TR	30.0	WESTERN GAS PROCE
-BWAB INC					RECEIVED: 11/02/81 JA: ND 5			
8204638	ND337-1	3305301178		102-2	ALLEN-FEDERAL #2-21	MONDAK	7.5	MONTANA DAKOTA UT
8204639	ND338-1	3305301302		102-2	ALLEN-FEDERAL #2-23	MONDAK	7.5	MONTANA DAKOTA UT
8204649	ND299-1	3305301262		102-2	FEDERAL #8-44X	MONDAK	7.5	MONTANA DAKOTA UT
-DOME PETROLEUM CORP					RECEIVED: 11/02/81 JA: ND 5			
8204607	ND273-1	3305301204		102-2	DOME FEDERAL #4-17	MON DAK	13.3	SHELL OIL CO
-KOCH INDUSTRIES INC					RECEIVED: 11/02/81 JA: ND 5			
8204618	ND313-1	3300700471		102-2	FEDERAL #12-18	BIG STICK	275.0	MONTANA-DAKOTA UT
8204632	ND331-1	3300700678		102-2	FEDERAL #6-22	WILDCAT	180.0	MONTANA-DAKOTA UT
8204619	ND314-1	3300700533		102-2	FEDERAL #7-3	TREETOP	180.0	MONTANA-DAKOTA UT

JD NO	JA DKT	API NO	D	SEC	CAT	WELL NAME	FIELD NAME	PROD	PURCHASER
-SHELL OIL CO						RECEIVED: 11/02/81 JA: ND 5			
8204617	ND312-1	3305301285		102-4		USA 31-4-118	POKER JIM	1.5	MONTANA DAKOTA UT
-TENNECO OIL COMPANY						RECEIVED: 11/02/81 JA: ND 5			
8204646	ND348-1	3300700601		102-2		BRENT FEDERAL 9-12	BIG STICK	25.0	WESTERN GAS PROCE
8204645	ND347-1	3300700578		102-2		MOHRLE USA #3-13	BIG STICK	210.0	WESTERN GAS PROCE
-AMERICAN QUASAR PETROLEUM CO						RECEIVED: 11/02/81 JA: WY 5			
8204603	W31-1	4900320546		102-4		DOBIE CREEK 18-2	DOBIE CREEK-SEC 18 T49N-	0.0	MONTANA-DAKOTA UT
-AMOCO PRODUCTION CO						RECEIVED: 11/02/81 JA: WY 5			
8204628	W325-1	4902320193		103		SHUTE CREEK UNIT #4	SHUTE CREEK	57.4	
8204631	W329-1-T	4902320318		107-TF		WHISKEY BUTTES #35	WHISKEY BUTTES - FRONTIE	41.0	CITIES SERVICE GA
-BELCO PETROLEUM CORPORATION						RECEIVED: 11/02/81 JA: WY 5			
8204644	W344-1	4903520638		103		FIGURE FOUR FEDERAL 1-1	FIGURE FOUR CANYON	0.0	
8204606	W272-1	4903520611		103		MICKELSON CREEK FEDERAL 1-17	BAXTER	0.0	NORTHWEST PIPELIN
-CIG EXPLORATION INC						RECEIVED: 11/02/81 JA: WY 5			
8204635	W334-1-T	4900720612		107-TF		CIGE 1-32-17-93	HIGH POINT	1074.0	COLORADO INTERSTA
-CONOCO INC						RECEIVED: 11/02/81 JA: WY 5			
8204643	W343-1	4900921821		102-2		CONOCO FEDERAL BOLAND 8 #3	SCOTT	12.0	PHILLIPS PETROLEU
-HOUSTON OIL & MINERALS CORPORATION						RECEIVED: 11/02/81 JA: WY 5			
8204610	W300-1	4903721703		102-2		FEDERAL 44-24	ESSEX MOUNTAIN	274.0	
-KOCH INDUSTRIES INC						RECEIVED: 11/02/81 JA: WY 5			
8204620	W315-1	4903721246		102-2		ADOBE TOWN #1	WILDCAT	70.0	CITIES SERVICE GA
8204608	W288-1	4903721636		107-DP		MONUMENT VALLEY #1	WILDCAT	400.0	CITIES SERVICE GA
8204621	W316-1	4903721380		102-2		TWIN FORKS #1	TWIN FORK	250.0	CITIES SERVICE GA
-LADD & LUKOWICZ INC						RECEIVED: 11/02/81 JA: WY 5			
8204648	W246-1	4900525556		103		FEDERAL I-21	PORCUPINE	180.0	PHILLIPS PETROLEU
-MARATHON OIL COMPANY						RECEIVED: 11/02/81 JA: WY 5			
*8204615	W310-1	4902920778		103		BASTON A #18	OREGON BASIN FIELD	3.5	COLORADO INTERSTA
*8204614	W309-1	4902920843		103		NIELSON #7	OREGON BASIN FIELD	8.3	COLORADO INTERSTA
*8204613	W308-1	4902920906		103		OWENS "A" #10	OREGON BASIN FIELD	7.3	COLORADO INTERSTA
8204623	W318-1T	4902320328		107-TF		SHUTE CREEK #5	SHUTE CREEK	73.0	NORTHWEST PIPELIN
8204622	W317-1	4902320328		103		SHUTE CREEK #5	SHUTE CREEK	73.0	NORTHWEST PIPELIN
8204633	W332-1	4900720541		102-2		STANDARD DRAW #2-10	STANDARD DRAW	1166.0	
8204634	W333-1-T	4900720541		107-TF		STANDARD DRAW #2-10	STANDARD DRAW	1166.0	
*8204616	W311	4902920913		103		WILSON A #11	OREGON BASIN FIELD	9.8	COLORADO INTERSTA
-RESOURCES INVESTMENT CORPORATION						RECEIVED: 11/02/81 JA: WY 5			
8204626	W321-1	4900525697		103		GUILLBACK FEDERAL #1-34	PORCUPINE	220.0	BIG HORN FRACTION
-TEXAS OIL & GAS CORP						RECEIVED: 11/02/81 JA: WY 5			
8204630	W328-1	4903721869		103		BIG POND FEDERAL #1	ANTELOPE	255.0	COLORADO INTERSTA
8204625	W320-1	4903721698		103		GLOVER HORSESHOE BEND USA #1		292.0	CITIES SERVICE GA
-TOM BROWN INC						RECEIVED: 11/02/81 JA: WY 5			
8204611	W301-1	4901321126		102-4		TRIBAL #13-22	MUDDY RIDGE	76.7	MONTANA-DAKOTA UT
-TRIGG DRILLING COMPANY INC						RECEIVED: 11/02/81 JA: WY 5			
8204627	W322-1T	4900720514		107-TF		M W FEDERAL #1-1	BLUE GAP	0.0	COLORADO INTERSTA
-W A MONCRIEF JR						RECEIVED: 11/02/81 JA: WY 5			
8204629	W327-1	4901320681		108		BONNEVILLE II 23-1	BONNEVILLE	19.8	MONTANA-DAKOTA UT
-WEXPRO CO						RECEIVED: 11/02/81 JA: WY 5			
8204640	W340-1	4903721788		102-2		BRUFF FED #2-26	BRUFF	362.0	MOUNTAIN FUEL RES
8204641	W341-1	4903721855		102-2		HAGOOD FEDERAL #12-1	BRUFF	813.0	MOUNTAIN FUEL RES

OTHER PURCHASERS VOLUME NO :545

8204613	CODY GAS CO
8204614	CODY GAS CO
8204615	CODY GAS CO
8204616	CODY GAS CO

BILLING CODE 6450-85-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission on or before December 22, 1981.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Denonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–35018 Filed 12–4–81; 8:45 am]

BILLING CODE 6450–85–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–62004; FRL–1999–5]

Applications to Use Sodium Fluoroacetate (Compound 1080) to Control Predators: Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of hearing.

SUMMARY: This notice announces that EPA has received several applications to use the pesticide, sodium fluoroacetate (commonly called "1080"), to control coyotes and other species which prey on livestock. Based on its review of these applications and other data, EPA has decided to conduct an adjudicatory hearing to reconsider its 1972 decision to cancel the registration of 1080 products intended for use as predacides.

DATE: Notices indicating an intention to participate in this hearing must be filed by December 21, 1981 (See Part V.B. of this notice for a discussion of other procedural matters.)

ADDRESS: Copies of the Agency's Technical Review Document on 1080 are available from: Registration Division, Office of Pesticide Programs (TS–767), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

Notices of Intent to Participate must be submitted to: Hearing Clerk (A–110), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: For information on procedural matters, contact Bessie L. Hammiel, Hearing Clerk, Office of the Administrative Law Judge (A–110), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; Telephone (202) 755–5476. For information on other matters, contact Carole V. Gray, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; Telephone (703) 557–7102.

SUPPLEMENTAL INFORMATION: The U.S. Environmental Protection Agency (EPA or Agency) regulates pesticides under the authority of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), 7 U.S.C. 136 et seq., and implementing regulations. This responsibility is exercised primarily by Agency decisions on whether to register (license) pesticide products. EPA is required to register a pesticide when it concludes that use of the product will not cause "unreasonable adverse effects on the environment." FIFRA section 3(c)(5). If EPA concludes that a registered pesticide no longer meets this standard, the Agency may cancel the registration of the product. FIFRA section 6(b).

On March 9, 1972, the EPA Administrator issued an order cancelling and suspending the registration of all federally registered pesticide products containing sodium fluoroacetate, commonly called "1080," which were intended for use as predacides. Recently, in the late summer and fall of 1981, EPA received several applications to register pesticide products containing 1080 for use against coyotes and other species which prey on livestock. The Agency has also received applications under FIFRA section 18 for emergency exemptions from FIFRA's registration requirements submitted by States which wish to use 1080 to control coyotes and other predators.

Since the applications concern a pesticidal use which has been cancelled, the applications are subject to Subpart D of EPA's Rules of Practice, 40 CFR 164.130–.133. These regulations state that the Agency must treat such applications as petitions to reconsider its prior order cancelling and suspending the predacidal use of 1080. 40 CFR 164.130. If the Administrator finds that there is "substantial new evidence" which may warrant reconsideration of the prior order, he shall issue a notice announcing that the Agency will hold a hearing to examine the new evidence and to determine whether the order should be modified or reversed. 40 CFR 164.131.

As described more fully below, I have reviewed the information contained in the registration applications and request for emergency exemptions, as well as information available from other sources. I find that the available information meets the standard of § 164.131. I find, accordingly, that it is appropriate to conduct an adjudicatory hearing, pursuant to 40 CFR Part 164, to review the evidence and determine whether the 1972 cancellation and suspension order should be modified or reversed. This document explains the reasons for my decision and establishes certain procedural rules to govern the conduct of this hearing.

I. The 1972 Cancellation and Suspension Order

On March 9, 1972, the EPA Administrator issued notices and orders cancelling and suspending the registrations of products containing 1080, as well as strychnine, sodium cyanide, and thallium sulfate—three other compounds used as predacides. PR Notices 72–2 and 72–3, 37 FR 5718 (March 18, 1972). No registrant requested an administrative hearing in which to contest the order, and no adversely affected person sought judicial review or the order within the statutory time period. Accordingly, the order became final thirty days after it was served on registrants. See *Wyoming v. Hathaway*, 525 F.2d 66 (10th Cir. 1975) *cert. denied*, 426 U.S. 906.

EPA at that time made a series of Findings of Fact with respect to each of the pesticides. (The text of the 1972 cancellation and suspension orders and the supporting Findings of Fact are reproduced in the Appendix.) Concerning the risks of 1080, the Agency found that it is highly toxic to all species and that a number of humans had died from 1080 poisoning. EPA also found that non-target animals were being

adversely affected by use of 1080 and that 1080 was thought to have contributed to the death of a California condor, an endagered species.

With regard to the benefits of 1080 and the other predacides, EPA found in 1972 that "there is no reliable data as to the amount of predator control achieved by the use of these poisons;" that existing data were insufficient to predict the loss of sheep that might occur without these pesticides; that the "data that are presently available indicate predator losses may in fact be of such a low magnitude as to be a minor part of total losses;" that effective alternatives to 1080 and the other predacides were available, though they were generally more expensive; and that the Federal Government was supporting research to develop more effective and environmentally acceptable predator control methods. 37 FR 5718, 5720.

The 1972 Notice cited three major sources for the information which it considered in deciding to cancel and suspend the registration of 1080 and the other toxicants. The most comprehensive was the 1972 Report to the Council on Environmental Quality and the Department of the Interior, commonly called the "Cain Report" after the chairman of the committee which produced the report. The Cain Report surveyed data on predation loss rates, predator control methods, wildlife toxicology, and a number of other subjects. EPA also considered a 1971 petition submitted by the Natural Resources Defense Council and six other environmental organizations ("NRDC petition"), which urged EPA to suspend the use of 1080 and other predacides, citing numerous articles and studies to substantiate its arguments. The Agency also relied on the 1964 "Leopold Report" (officially titled "Predator and Rodent Control in the United States"), which was written by a special advisory committee appointed by the Secretary of the Interior to study wildlife management. The Leopold Report contained some data and opionions agout how to improve the environmental acceptability of the animal damage control program administered by the Department of the Interior.

The Agency has recently prepared a Technical Review Document on 1080 which discusses in considerably greater detail the Agency's 1972 findings and the information in the Cain Report, Leopold Report, and NRDC petition. The Technical Review Document on 1080 is available to the public at the address listed at the beginning of this notice.

II. Applications to Use 1080 to Control Predators

Three States—Wyoming, South Dakota, and Montana—and the Department of the Interior recently have submitted applications seeking authorization to use 1080 to control animals which prey on livestock. (These applications are summarized in the Technical Review Document on 1080.) The applications propose one or more of the following delivery mechanisms: 1080 large-bait stations, 1080 toxic collars, and single-lethal-dose (SLD) baits.

The 1080 large-bait station was the only delivery mechanism commonly used before 1972. A 1080 large-bait station is a carcass of a sheep, calf, or horse which has been injected with an aqueous solution of 1080. Coyotes and other predators feeding on the dead animals are expected to consume lethal quantities of 1080.

Compound 1080 toxic collars and 1080 SLD baits are new delivery mechanisms that were not in general use prior to 1972 and that were not discussed in the Administrator's cancellation and suspension order. The toxic collar is a rubber and plastic apparatus designed to be strapped around the necks of sheep or goats. The collar contains two 1080-filled compartments that are broken when a predator attempts to bite the throat of the prey, exposing the attacking predator to a lethal oral dose of 1080. The SLD bait is made from fat or meat and contains enough 1080 to kill a coyote which eats it. SLD baits are usually placed around a draw station, e.g., a dead sheep or calf, or at sites frequented by the target species.

The applicants include or cite numerous studies and other sources of information to support their applications. In reaching a decision to hold a Subpart D hearing, EPA has considered several sources of information in addition to the material submitted by applicants. Two of the most important sources are the annual reports submitted on tests with 1080 toxic collars conducted under EPA's experimental use permit program and the testimony and exhibits provided at EPA's information-gathering hearings held in July 1981.

In 1977, EPA issued an experimental use permit to the Department of the Interior authorizing limited field testing with 1080 toxic collars. This permit has been renewed annually. More recently, EPA has also approved experimental use permits for the Texas Agricultural Experiment Station, a part of Texas A&M University, and the New Mexico Department of Agriculture. These permits also allow testing with the 1080 toxic collar. Permit holders are required to submit periodic reports to EPA on the results of their testing. These reports comprise a large part of the data base on toxic collars.

EPA has also reviewed the testimony and exhibits presented during three days of information-gathering hearings held in Denver and Washington, D.C. last July. These hearings, held under the authority of FIFRA section 21(b), produced over 800 pages of transcript and 5000 pages of exhibits. Over 80 witnesses, representing a variety of disciplines and viewpoints, testified during the three days of hearings.

III. The Regulatory Framework and Applicable Standards for Reviewing Requests for Reconsideration of a Prior Cancellation Order

Subpart D of EPA's rules of practice (40 CFR 164.130–.133) states that any application under section 3 or section 18 of FIFRA to allow use of a pesticide at a site and on a pest for which registration has been finally cancelled constitutes a petition for reconsideration of the previous cancellation order. 40 CFR 164.130. The regulations require the Administrator to review the applications and supporting data to determine whether reconsideration is warranted. Specifically, the Administrator must determine whether:

1. The applicant has presented substantial new evidence which may materially affect the prior cancellation or suspension order and which was not available to the Administrator at the time he made his final cancellation or suspension determination and

(2) such evidence could not, through the exercise of due diligence, have been discovered by the parties to the cancellation or suspension proceeding prior to the issuance of the final order. 40 CFR 164.131(a). Since I find that there is substantial new evidence with respect to the proposed use patterns, 40 CFR 164.131 requires that I publish a notice in the Federal Register setting forth my determination and the basis for it. (See Part IV of this Notice.) The regulations also require that the notice announce that EPA is holding an adjudicatory hearing to review the evidence and to determine whether to modify or reverse the prior order.

The hearing required by Subpart D must be conducted under the provisions of the Administrative Procedure Act governing formal adjudications, under EPA's rules of practice governing hearings (40 CFR 164.1–.111, .130–.133), and under the procedures established by Part V.B. of this Notice. The hearing will be conducted by an EPA Administrative

Law Judge who will preside over the presentation of sworn testimony and oral cross-examination and who will generally supervise the proceeding. During the hearing, the applicants will have the burden of proof. 40 CFR 164.132(a).

At the close of the hearing, the parties will have an opportunity to present briefs to the Administrative Law Judge, who in turn will prepare an Initial Decision containing findings of facts and conclusions of law. The Initial Decision must specifically determine whether substantial new evidence exists and if so, whether it requires reversal or modification of the existing cancellation and suspension order. 40 CFR 164.132. This preliminary decision may be appealed to the Administrator for a final Agency decision. Under EPA's Rules of Practice, if no appeal is taken within 20 days after the Administrative Law Judge files his Initial Decision, the Initial Decision becomes final. 40 CFR 164.101.

A final Agency decision modifying or reversing the 1972 order would not, by itself, authorize use of 1080 as a predacide; in addition EPA would need to issue either an emergency exemption as authorized by FIFRA section 18 or a registration pursuant to FIFRA section 3. (Alternatively, a State could issue a "special local need" registration pursuant to FIFRA section 24(c).) Applicants would be required to satisfy certain requirements before such regulatory actions could be taken. Moreover, such regulatory actions could only authorize use of 1080 to the extent allowed by the Agency's final decision in the Subpart D proceeding.

Use of 1080 on Federal lands or in Federal animal damage control programs currently is prohibited by Executive Order 11917, 41 Fed. Reg. 22239; May 28, 1976. This Order, which was issued in 1976 by President Ford, is based on Executive Order 11643 issued by President Nixon shortly before EPA's order cancelling and suspending the registration of 1080 predacides. 37 Fed. Reg. 2875; Feb. 8, 1972. The Executive Order prohibits the use of any animal toxicant on Federal lands or in Federal programs, except sodium cyanide in the M–44 device, unless there is an emergency. Further action, in accordance with the emergency waiver procedures contained in Executive Order 11917, would be required to authorize such use, unless the Executive Order itself is modified.

In summary, FIFRA and its implementing regulations establish very specific standards and procedures for reviewing the pending applications for 1080 predacide products. The Subpart D hearing announced by this notice is only the first step that must be completed before legal use of 1080 as a predacide would be possible.

IV. BASIS OF THE DECISION TO HOLD SUBPART D HEARINGS

The EPA has reviewed the information submitted with the applications for registration and requests for emergency exemptions described above. In addition, Agency staff have reviewed the documents and testimony provided in public hearings on the use of 1080 to control predators, as well as information from several other sources. The staff have prepared a Technical Review Document on 1080 which summarizes and analyses this material. (Copies of the Technical Review Document on 1080 are available to the public at the address listed at the beginning of this notice.) I find that there is new evidence which suggests that in recent years there has been a rise in the rates of livestock lost to predation; a decrease in the availability and/or an increase in the cost of several alternative predator control methods; and an improvement in the ability of users to handle 1080 safely. New evidence also suggests that in 1972, EPA may have overestimated the environmental hazards of using 1080 to control predators. In addition, two new delivery mechanisms (the 1080 toxic collar and single lethal dose (SLD) baits) which might reduce environmental exposure have been proposed. Reduced exposure would lessen the risks for nontarget wildlife. Taken together, these new data constitute substantial new evidence which may warrant reconsideration of the Agency 1972 order.[1]

A. Increased Predation Loss Rates

Comparisons of recent data on the rate of livestock (especially sheep) lost to predation with data available in 1972 indicate that predation has become an increasingly important problem in the intervening years. The 1972 Cain Report reviewed four questionnaire survey studies of predation loss rates, and concluded that the reported loss rates[2] (3.6% to 7.9%) were probably overstated.

Since 1972, biological field studies, as well as additional questionnaire surveys, have been conducted. Generally, field studies produce more reliable estimates of predation losses, since deaths are verified by the investigator. In many cases, field studies yield lower estimates of loss rates than questionnaire surveys. For example, Robel (1981) reported predation losses determined by a field study to be only 25% of the losses reported in a questionnaire survey during the same period. Thus, it is significant that the average losses to predators reported from field surveys after 1972 are comparable to the questionnaire survey results discussed in the Cain Report.

Data from questionnaire surveys conducted after 1972 are also consistent with the conclusion that predation rates have risen. Though some surveys report losses in the same range as the Cain Report data, five studies indicate that average losses are over five percent, including one survey which found predation losses averaging 14.8% of sheep and lambs. These results are corroborated with abundant testimony from individual ranchers that predation has increased since the 1972 EPA order cancelling the registration of 1080 and other predator toxicants.

Terrill (1980) surveyed available USDA statistics and other reports of sheep and lamb losses to predators from 1958 to 1978. Based on Terrill's report, the loss of sheep and lambs to predators from 1972 to 1978 was about 35 percent higher than the average rate from 1958 to 1972.

While data on calf and cattle losses to predators are not available from the period before 1972, data are available on the losses from all causes. These data indicate that loss rates were relatively stable from 1950 to 1972, averaging 8.9%, and that after 1972 loss rates rose markedly: from 1972 to 1980, the rate of death loss of cattle and calves averaged 11.2%, an increase of over 20 percent from the average from the 1950–1972 period.

B. Alternative Predator Control Methods

Recent information on alternative predator control methods indicates that the 1972 findings may no longer hold true for conditions in 1981. Livestock ranchers testifying at the July 1981

[1] In 1977, Wyoming and several other states applied for registration of products containing 1080 for use against coyotes and other predators. EPA reviewed the applications and supporting data and determined, under Subpart D, that they did not present substantial new evidence which warranted reconsideration of the 1972 order. See 43 FR 14100; April 4, 1978. This decision to hold a hearing under Subpart D is based in part on data that were submitted in 1977. The Agency is aware, however, of a significant body of information which has been generated since 1978, particularly with regard to livestock losses to predators, availability and effectiveness of alternatives, the toxic collar, secondary poisoning of scavengers, and the metabolism of 1080. The total body of information, including data generated from 1972 to 1978, and data developed after 1978, constitutes substantial new evidence.

[2] Loss rates are measured in a variety of ways: e.g. sheep lost per 1,000 ewes, percentage of total livestock. Conversion of reported loss figures to a common measurement was not always possible.

information-gathering hearings repeatedly stressed the problems with the currently available methods of controlling predators. For instance, they noted that the cost of aerial gunning has increased dramatically since 1972. In addition, they referred to a 1978 decision by the then Secretary of the Interior, to prohibit denning (the practice of killing coyote pups and parents during the spring before the young are mobile enough to leave their den) in Federal animal damage control programs.

In addition, development of non-lethal chemical methods (reproduction inhibitors and repellents) that were anticipated in 1972 has not occurred.

Other testimony cited numerous problems with using the M–44 sodium cyanide device which was introduced in 1975 as a predator control method. Witnesses claimed the M–44 does not work well in cold weather; that it is subject to mechanical malfunctions; and that the restrictions on its use are quite burdensome.

Thus, the available evidence indicates that at least some of the alternatives cited as sufficient in 1972 are today not available, less available, more costly, or all of the above. This in turn may shift the balance of risks and benefits determined in 1972.

C. Human Safety

In the years before EPA cancelled the predacidal uses of 1080, there were a number of accidental human 1080 poisonings resulting in at least 13 and perhaps as many as 18 fatalities. Since 1972 no deaths from 1080 poisoning have been reported, even though the compound is still used as a rodenticide in the United States. (Although the rodenticide use pattern differs from the one being proposed, these differences would not significantly affect human safety.) In addition, 1080 has been used in other countries (e.g., New Zealand and Canada) to control predators and other species without any known adverse consequences for humans. The improved safety record indicates that users are now handling 1080 more carefully, thereby reducing the chance of human poisoning.

The improvement may be attributed to two factors. First, since 1972, EPA has gained a better understanding of how to revise the labeling of a pesticide to reduce risks to humans and the environment. As a result, in recent years the directions for using Federally-registered 1080 rodenticides have been clarified and expanded to provide users with more precise instructions about how to apply the treated bait safely. Second, since 1978, all registered products containing 1080 have been classified as "restricted use pesticides." [3] See 40 CFR § 162.31. As a result, 1080 may be used only by a "certified applicator" (a person who has been specially trained in the safe use of highly toxic pesticides), or by a person under his direct supervision. (Prior to 1972 EPA lacked the authority to require that a pesticide be used only by certified applicators.)

Because EPA would have greater regulatory control in 1981 over the use of 1080 products than it did in 1972 (e.g. EPA could restrict 1080 use to certified applicators), EPA may be able to establish conditions on the use of 1080 which would prevent the occurrence of unreasonable adverse effects on the environment.

D. New Delivery Mechanisms

The 1080 toxic collar and SLD baits are two delivery mechanisms for 1080 which were not considered in the 1972 cancellation and suspension order. These mechanisms may substantially reduce the environmental exposure of non-target wildlife to 1080 in comparison to the use of 1080 large-bait stations.

The most important advantage of the toxic collar is its selectivity for "offending" animals. Only those individual predators which attack livestock are killed. Other "non-offending" members of the species are not directly exposed. Moreover, no animal is exposed until the collar is broken. Once the collar is punctured, the neck area of the dead sheep, goat, or calf may be a source of exposure to scavengers. This, however, is only a limited region of the animal's body (far less than an entire carcass as is used in the large-bait station), and some available test results suggest that certain species of scavengers do not feed on this area.

The SLD bait has two potential advantages over the large-bait station in reducing exposure to non-target wildlife. First, since coyotes and other canid species are more sensitive to 1080 poisoning than most other species, the dose of 1080 in an individual bait can be limited to an amount which is sufficient to kill a canine predator, but not a species less sensitive to that amount of 1080. The second advantage is that limiting the number, as well as the dose levels, of baits allows more precise control of the total amount of 1080 available at a site or in an area.

As a result of these two advantages, the controlled use of SLD baits may lead to lower exposure to 1080 for non-target wildlife than would use of 1080 large-bait stations. First, animals may eat only as many SLD baits as are present at a site. Thus, if only a few baits are placed at any site, only a few non-target animals can be directly exposed. In contrast, a poisoned bait station could serve as a food source for numerous animals living in the vicinity of the bait station. Moreover, the animals feeding at a large-bait station can eat as much meat as they wish. Since large-bait stations customarily contain multiple lethal doses of 1080, it was assumed in 1972 that a non-target animal could ingest a lethal amount of 1080. This perceived hazard may be lessened by use of SLD baits. Not only would a SLD bait contain a sublethal does for most species, but the number and placement of baits at a site also could be controlled to reduce the likeihood of a single animal consuming more than one bait. Finally, the amount of 1080 consumed by a predator which eats a SLD bait may well be less than the amount obtained from feeding on a large-bait station. Thus, the risk of secondary poisoning (poisoning of animals which scavenge the dead predator) is also likely to be lower.

No laboratory or field testing with SLD baits has been reported to substantiate these conclusions; they are based on available wildlife toxicity data and simple comparisons of the amounts of 1080 that would be placed in the environment. [4]

E. Evironmental Safety

In addition to information indicating that use of 1080 toxic collars and SLD baits may result in lower environmental exposure than large-bait stations, there is evidence suggesting that EPA overestimated the environmental hazards of 1080 in 1972.

First, several studies address the risk of primary and secondary poisoning of scavengers. In these studies magpies were allowed to feed on 1080 poisoned coyotes, and though the magpies consumed meat containing residue levels of 1080 in excess of the previously reported median lethal dose for magpies, none died from 1080 poisoning. While there are several possible explanations of these results, the data may indicate that the risk of secondary poisoning is lower than originally thought in 1972.

Second, information is available concerning the metabolism of 1080 in the body of an animal (or human) which

[3] Since 1972, 1080 has been registered only for use in products intended to control rodents. Thus, the "restricted use" classification has applied to 1080 only when used as a rodenticide.

[4] The majority of the available wildlife toxicity data were generated before 1972. Some studies which generally corroborate these data have been conducted since 1972. (Connally, 1981).

ingests the compound (Kun, 1981). Kun asserts that 1080, itself, is not a poisonous compound; it must be metabolized to flourocitrate by cellular systems to exhibit its toxic effects. Kun also claims that the presence of fluorocitrate residues in a dead animal presents little risk of secondary poisoning, because a scavenger which consumes fluorocitrate as a result of feeding on a primary victim would detoxify (metabolize to nontoxic compounds) the fluorocitrate residues before they had a chance to exert their toxic effect. Based on his research, Kun also claims that secondary poisoning most often occurs when the primary victim fails to metabolize all of the 1080 to fluorocitrate and a scavenger consumes this residual 1080 when feeding on the primary victim. Kun asserts, however, that 1080 breaks down rapidly (in 5–10 hours) into nontoxic metabolites. Thus, it is claimed that if a scravenger feeds on a victim of primary poisoning which has been dead for more than a day, the scavenger is unlikely to consume sufficient 1080 residues to be poisoned. If Kun's claims are correct, the risk of secondary poisoning may be substantially less than originally thought.

Finally, EPA has received information in the reports on the toxic collar experiments and during the information gathering hearings which suggest that the analytical methods used prior to 1972 to detect the presence of 1080 residues in wildlife might have produced occasional "false positive" results—that is, the method indicated that 1080 residues were present in samples known to contain no 1080. This information provides a basis for questioning whether the reported results which EPA relied on in 1972—that 1080 residues were present in dead eagles and a California condor—were accurate. If the positive results are shown to be attributable to an artifact of the analytical method, rather than the actual presence of 1080 residues, the residue results may not support the existence of a risk to avian species.

Upon consideration of the data and information discussed above, I conclude that there is substantial new evidence which may materially affect the 1972 order cancelling and suspending the predacidal uses of 1080. Accordingly, I am directing that a public hearing be conducted to review the available data and to determine whether the 1972 order should be modified or reversed, based on this evidence. I have further concluded that the hearing should address all three of the delivery mechanisms proposed in the pending applications: 1080 toxic collars, single lethal dose baits, and 1080 large bait stations.

V. Conduct of the Subpart D Hearing

Subpart D of the Rules of Practice requires that the Administrator specify:

(1) The date on which the hearing will begin and end,

(2) the issues of fact and law to be adjudicated at the hearing,

(3) the date on which the presiding officer shall submit his recommendations, including findings of fact and conclusions, to the Administrator, and

(4) the date on which a decision by the Administrator is anticipated. 40 CFR 164.131(c).

Part V.A. of this Notice describes the issues to be resolved in the Subpart D hearing. Part V.B. establishes procedural rules for the conduct of the hearing and deadlines for reaching decisions.

A. Issues for the Subpart D Hearing.

Since 1972 a number of studies and surveys have been performed which increase the information available to the Agency in several areas: rates of livestock losses to predation; efficacy of 1080 in various use patterns; availability, effectiveness, and cost of alternative predator control methods; and hazards to human and non-target wildlife. The purpose of the hearing is to review the relevant new evidence closely, to expose its strengths and weaknesses, and to determine whether, on balance, it would support a decision to reverse or modify the 1972 order. The ultimate issues, therefore, are whether substantial new evidence exists, and if so, whether it requires reversal or modification of the existing cancellation or suspension order. 40 CFR 164.132(a). [5]

Specifically, the hearing shall consider the following issues:

(1) *Predation loss rates.* Whether available data demonstrate that predation loss rates have increased since 1972:

(a) for sheep,

(b) for cattle,

(c) for goats.

Whether current losses to predation account for a greater percentage of total losses than before 1972:

(a) for sheep,

(b) for cattle,

(c) for goats.

Whether coyotes, foxes, and/or feral dogs are significant cause of predation.

(2) *Efficacy.* Whether use of 1080 in toxic collars, single lethal dose baits, and/or large-bait stations is likely to reduce predation:

(a) in open-range grazing of livestock,

(b) in fenced pasture grazing of livestock,

If use of 1080 is likely to reduce predation, by how much?

(3) *Alternatives.* Whether nonchemical methods of predator control, e.g., denning, shooting, trapping, and snaring, are generally effective in reducing predation.

Whether the M-44 device using sodium cyanide is generally an effective alternative to the use of 1080.

Whether non-lethal chemical methods of predator control, e.g., taste aversion chemicals, reproduction inhibitors, and repellants, are effective.

Whether husbandry practicers, e.g., use of guard dogs, shed lambing, additional herders, are generally effective in reducing predation.

With respect to all alternatives to 1080 predacides, whether there is any situation in which no currently available alternative is satisfactory, e.g., because of its cost or because of limitations on its use due to characteristics of the control method.

(4) *Benefits.* What are the national, regional, and local effects of predation on the livestock industry and the general economy?

What impact would the availability of 1080 have on the profits of individual ranchers and the livestock industry, as a whole?

(5) *Environmental Safety.* Whether available data indicate that use of 1080 in toxic collars and/or SLD baits would be likely to result in lower direct or indirect exposure to non-target wildlife than resulted from use of 1080 large-bait stations.

Whether available data indicate that the risk of primary and/or secondary poisoning was overestimated in 1972.

(6) *Human Safety.* Whether use of 1080 in toxic collars, SLD baits, and/or large-bait stations is likely to result in human injury or death.

Whether an antidote and/or medical treatment exists which effectively counteracts the effects of 1080 poisoning.

[5] The determination required by § 164.132(a)—that the hearing record contain substantial new evidence—differs from the determination required by § 164.131(a)—that substantial new evidence is available which warrants holding a Subpart D hearing. In the case of the a decision to initiate a Subpart D proceeding, the Administrator may consider information available from any source. Moreover, the Administrator may accept the available data without extensive inquiry into its reliability. In contrast, the Administrator's decision at the close of a Subpart D proceeding must be based solely on the testimony and exhibits in the hearing record, evidence which has usually been subjected to rigorous examination in the adversarial process. Thus, while the Subpart D regulations use the same language to describe two different findings, the findings are actually quite different due to the scope and nature of the information which must be considered.

(7) *Use Restrictions.* Whether prohibition of the use of 1080 in the range of certain protected and/or endangered species, e.g., the San Joaquin kit fox or California condor, would effectively reduce or eliminate the risks to those species, and what effect would such a prohibition have:

(a) in those areas,

(b) on the livestock industry as a whole.

Whether restriction of the use of 1080 to trained Government employees or certified applicators would reduce human and environmental risks without substantially reducing benefits.

Whether a requirement that livestock predation be verified by state employees before use of 1080 was authorized would limit use of 1080 to situations in which it was most likely to provide significant benefits.

Whether restrictions on the sites of use, the timing of use, or the delivery mechanism would reduce risks without substantially reducing the benefits.

Whether users should be required to post warnings in the vicinity of SLD baits and large-bait stations.

Whether users should be required to check toxic collars, SLD baits, and bait stations periodically.

Whether users should be required to keep records of their use of 1080, and if so, what records.

Whether other restrictions would reduce risks without substantially reducing benefits.

In conclusion, I note that the determination of these issues shall be made taking into account the factors specified in the applicable EPA regulations. See 40 CFR 164.132(a).

B. Deadlines and Procedures for the Subpart D Proceedng

The subject of using 1080 to control predation on western livestock was brought to my attention last spring by a letter from the National Woolgrowers Association. The woolgrowers stated at that time that predation was already a major problem for the livestock industry and was rapidly growing worse. Since then, the Association's words have been echoed by many others, including the Departments of Agriculture in several western states, numerous individual ranchers, as well as other regional and national livestock associations. They have repeatedly claimed that 1080 would aid their efforts to reduce predation rates, and therefore they have asked that EPA authorize its use as quickly as possible.

Because of the urgency expressed by a number of groups and individuals, I find that it would be in the public interest to reach a prompt, final decision in this matter. Therefore, I have decided to establish a schedule and to prescribe certain procedures for the conduct of this proceeding. In the event that it is not feasible to comply with the schedules or requirements established below, either the Administrative Law Judge or the parties may request that they be modified.

1. *Procedure for requesting to participate in the proceeding.* Any interested person who wishes to participate in this proceeding either as a party or as an *amicus curiae* shall submit a Notice of Intent to Participate to the Hearing Clerk on or before December 21, 1981.[6] Applicants for registration or an emergency exemption for a 1080 predacide are also being notified by registered mail of my decision to hold a Subpart D hearing. They are required to submit their Notices of Intent to Participate within 14 days of receiving the registered letter or within 14 days of publication of this notice, whichever is later. The Notice shall identify the person (individual or organization) and his representative, if any. The Notice of Intent to Participate shall also provide an address at which documents in the proceeding can be served. Finally, the Notice of Intent to Participate shall indicate whether the person wishes to participate as a party or as an *amicus curiae*. Notices of Intent to Participate must be submitted to: Hearing Clerk (A–110), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Any person who fails to submit a Notice of Intent to Participate in the proceeding within the specified time period shall not be allowed to participate in the proceeding unless he shows good cause why he should be admitted.

Applicants and other interested parties who might be affected by a decision to modify or reverse the 1972 order cancelling and suspending the registration of 1080 predacides should be aware that participation in the hearing initiated by this notice may be their sole opportunity to present evidence and/or testimony concerning the predacidal use of 1080 prior to final Agency action. Moreover, judicial review under FIFRA § 16(b) of any action concerning the use of 1080 which is taken by the Administrator at the conclusion of this Subpart D proceeding can only be obtained by a person who has been "a party to the proceedings * * *."

[6] An *amicus curiae* is a person whose role is limited to filing written briefs. An *amicus curiae* is not a party, and thus he would not be entitled to obtain judicial review.

2. *Pre-Hearing Procedures: Settlement Discussions, Statements of Position, Discovery, and Final Pre-Hearing Order.* Since a settlement of this matter would allow the Agency to conclude the proceeding even more quickly than the schedule established below, I direct the presiding Administrative Law Judge to convene a Pre-Hearing Conference within three weeks after this notice is published to explore the possibility of settlement. The Administrative Law Judge is authorized to hold additional meetings or to take any other actions which he considers likely to lead to settlement.

By January 6, 1982 each person requesting to participate in this proceeding as a party shall file with the Hearing Clerk a Statement of Position. This statement shall contain a written response describing the person's position and interest with respect to the issues in Part V.A. of this notice. If the person is an applicant, the statement shall also contain the number assigned by EPA to his application, a copy of the proposed labeling of his product, and a description of the proposed use. See 40 CFR § 164.24. The Statement of Position shall be submitted to the address above and served on all parties.

In addition, no later than January 6, 1982 each party shall serve on all other parties and the Administrative Law Judge a preliminary list of witnesses, together with a brief narrative summary of their expected testimony, and a list of all documents and exhibits which the party expects to introduce at trial. See 40 CFR 164.50(b).

Thirty days after this notice is published or thereafter, any party may direct requests for discovery to any other party. The Administrative Law Judge shall supervise discovery in accordance with the Agency's Rules of Practice, 40 CFR 164.51. All discovery must be completed by March 8, 1982.

The Administrative Law Judge shall hold a Final Pre-Hearing Conference five days after the end of the period allowed for discovery. Within five days after this conference, he shall issue a final prehearing order specifying how the hearing will be conducted. This order shall establish, *inter alia* (if not already specified by previous orders): measures to restrict repetitive or cumulative testimony; the order in which parties shall present testimony; and the amount of time to be allotted to the different sides on different issues. Within five days after the final prehearing order, the parties may move the Administrator to modify the time for presentation of evidence based upon information bearing on the length of trial (such as the number of scheduled

witnesses), which has become known during the pretrial period. Such motion shall not stay the evidentiary presentation.

3. *Schedule for the hearing and the decisions of the Administrative Law Judge and the Administrator.* The formal presentation of evidence shall begin within five days after issuance of the final prehearing order. The hearing record shall close no later than 60 days after commencement of the evidentiary presentation. Following the close of the hearing record, the parties will have an opportunity to present briefs according to a schedule established by the Administrative Law Judge. The Administrative Law Judge shall file his Initial Decision with supporting findings of fact, conclusions of law, and regulatory recommendations no later than 40 days after the hearing record is closed. If an appeal from that decision is taken, I expect to issue a final decision within 30 days.

4. *Field hearings.* The principal location for this hearing will be EPA headquarters in Washington, D.C. However, I recognize that some of the potential parties and witnesses are located in the Western states, where the livestock industry is centered. Accordingly, I authorize the Administrative Law Judge upon a showing of good cause to hold field hearings in Denver, Colorado, where EPA has a regional facility, and in other locations, if appropriate. The Administrative Law Judge shall determine the appropriate timing and duration of such field hearings. See 40 CFR 164.50(a)(10).

5. *Ex parte communications.* Finally, the Agency's Rules of Practice forbid anyone who may take part in deciding this case, at any stage of this proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in an investigative or expert capacity, or with any of their representatives. 40 CFR 164.7.

Accordingly, the following Agency offices, and the staffs thereof, are designated as the trial staff to perform all investigative and prosecutorial functions in this case: the Office of Pesticides and Toxic Substances; the Office of General Counsel; and the Office of Enforcement Counsel.

From the date of this notice until any final decision in this case, neither the Administrative Law Judge, the Judicial Officer, the Office of Policy and Resource Management, the members of the staff in the immediate office of the Administrator, nor myself shall have any *ex parte* contact or communication with any members of the trial staff, or with any other interested persons not employed by EPA, on any of the issues involved in this proceeding. However, persons interested in this case should feel free to contact any other EPA employee, including the trial staff, with any questions they may have.

Dated: December 1, 1981.

Anne M. Gorsuch,

Administrator.

Appendix.—Environmental Protection Agency, Pesticides Office, Washington, D.C. 20250

March 9, 1972.

[FR Notice 72-2 Pesticides Regulation Division]

Notice to Manufacturers, Formulators, Distributors and Registrants of Economic Poisons

Attention: Person Responsible for Federal Registration of Economic Poisons. Suspension of Registration for Certain Products Containing Sodium Fluoroacetate (1080), Strychnine and Sodium Cyanide.

I

Last spring, this Agency made a public commitment to review the status of registrations for strychnine, cyanide, and sodium floroacetate (1080), for use in prairie and rangeland areas for the purpose of predator and rodent control. This commitment grew out of grave concern surfaced by the reported deaths of some 20 eagles killed by the misuse of thallium sulfate.[1]

This same concern caused the Secretary of the Interior to initiate a thorough review of the government's federal predator control program. An advisory committee was appointed under the chairmanship of Dr. Stanley Cain, Director, Institute for Environmental Quality and Professor of Botany and Conservation at the University of Michigan. The report of that advisory committee was released earlier this month.

Aside from this Agency's review and the Cain findings, a detailed petition has been submitted to this Agency by several distinguished conservation groups urging that the registrations of these compounds be cancelled and suspended immediately. That petition invoked the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 135, Section 2z(2)(c) which requires that an economic poison contain "directions for use which are necessary and if complied with, adequate to prevent injury to living man and other vertebrate animals . . ." and Section 4c which allows the Administrator to initiate cancellation proceedings by ordering immediate suspension "when he finds that such action is necessary to prevent an imminent hazard to the public." [2]

Based on this Agency's review of the registrations of sodium cyanide, strychnine, and 1080 in light of available evidence, I am persuaded that their registrations for predator uses should be suspended and cancelled.

II

The Cain group has dealt at length with the effects of the use of strychnine, cyanide, and 1080 for predator control. The report points out the extreme toxicity of these compounds, their non-selectivity, and their potential impact on the environment which "is increased by secondary hazard, accumulation in the animal, and combined characteristics of chemical stability and solubility in water." This report reconfirms the findings of the Leopold Report (see [1], *supra*) that the predator control program took a heavy environmental toll.

Cyanide, strychnine, and 1080 are among the most toxic chemicals known to man. They act quickly, spreading through an entire animal crippling the central nervous system. These poisons are toxic not only to their targets but other animals and wildlife. All of these poisons have a similar pattern of use as unattended baits and are spread over vast areas of open prairie.

In the case of strychnine use against badgers, coyotes, and foxes, a tablet containing the poison is placed inside a one-inch ball or cube of bait material such as meat, lard or tallow. These baits are left along animal trails or near non-game carcasses. While instructions caution the user to cover the baits over with chips or brush to avoid ingestion by non-target animals, the Cain Report has suggested the inadequacy of such directions.[3]

The pattern for cyanide use differs little in pertinent respects. An explosive gun, a "coyote-getter," charged with cyanide is baited and driven into the ground. The gun is left unattended along the trail or range and is triggered when an animal pulls at the bait. In the case of 1080, carcasses of dead animals are laced with the substance and strewn to attract the predator.

Indiscriminate baiting over wide unpoliced area poses two obvious and recognized threats to non-target animals that share the ranges as a natural habitat. The unsupervised bait is itself a potential killer of a non-target range species. The threat, however, is compounded by the extremely high toxicity of

[1] This concern predates last summer. In 1963 the Secretary of Interior appointed an Advisory Board on Wildlife and Game Management chaired by Dr. Leopold of the University of California.

[2] Sponsors of the petition were: The Natural Resources Defense Council, Defenders of Wildlife, Friends of the Earth, The Humane Society of the United States, National Audubon Society, Inc., New York Zoological Society, the Sierra Club, and the National Parks and Conservation Association.

[1] (Dept. please supply this footnote.)

[3] According to the Cain Committee, if toxicants were consistently applied under field conditions with meticulous case, it is possible undesirable side-effects might be avoided. Draft at 131. However, the Committee concludes, "It appears that the necessary high standards are not likely to be attained." (Draft at 115) The Committee found no reliably precise data is available showing the degree of predator control achieved or the possible loss that might ensue without any program.

these poisons, which can transform the predator carcass into a potential lethal killer of prairie animal life.

While the effects of prairie baiting are, for the most part, not documented, the Cain group has suggested the present evidence may well understate the true damage. It is appropriate to take administrative notice of the fact that isolated accidents involving wildlife are not apt to be reported. Isolated, even if routine and numerous, instances of secondary animal poisoning would not have the visibility of a wildlife "kill," nor is there apt to be an observer present as in the case of human mishap. The administrative process need not be blind to these realities. This Agency's Pesticides Registration Division has, moreover, reports of cases of alleged secondary and accidental poisoning, and recently range-use of 1080 has been suspected of killing birds, including some of our rare species.

Measured against these obvious threats to wildlife are only ill-defined and speculative benefits. The Cain Committee has noted the absence of any meaningful information on the efficacy of poison baiting, especially in relation to the economic loss caused by predators to the sheep industry. At least one state, Nevada, has estimated that the cost of predator control was ten times the value of livestock and poultry lost to predators.

This absence of any meaningful data of benefits derived from the use of these highly dangerous poisons which pose a marked potential threat to the environment renders these registrations suspect. It is now settled that the burden of proof rests on the poison. The report, moreover, specifically cites the greater selectivity of ground shooting, denning, and trapping, and the Department of the Interior is embarking on a study to determine other methods of control. Here, where it is known that alternative methods of control exist, the registrations must be seriously questioned.

III

In deciding whether or not these considerations justify suspension, it must be recognized that the concept of suspension is one that must evolve, and existing verbal tests are not readily translated into a decisive cue for action. The Federal Insecticide, Fungicide and Rodenticide Act, and the judicial and administrative constructions of it to date set forth only word formulas that establish a general attitude on suspension questions. Each situation must be scrutinized not only for what is involved, but also for what is not involved.

Turning to the verbal tests by which we must measure the use of these poisons, FIFRA provides that the Administrator of EPA "may, when he finds that such action is necessary to prevent an imminent hazard to the public, by order, suspend the registration of an economic poison immediately." "Public" is not to be viewed restrictively, and includes fish and wildlife, as has recently and forcefully been noted in an opinion of a federal court. See *EDF* v. *Ruckelshaus*, 439 F2d. 584, at 597. Nor does "imminent" mean that we are on the "brink" and that the harm will occur tomorrow or has been documented.[4] It is sufficient that reasonable men can conclude that action taken today will with reasonable certainty lead to a loss in the future and that loss will be irremediable and uncorrectable by subsequent action, and that the apparent benefits from using a chemical, pending the complete statutory review process are outweighed by the possible harm of use during the period.[5] Or, as the matter was put in the Agency's DDT policy statement of March 18, 1971, the type, extent, probability and duration of such injury will be measured in light of the positive benefits accruing from use of the economic poison, for example, in human or animal disease control or food production.

Bearing these principles in mind, I am persuaded that a definite hazard exists. While the mere toxicity of poisons does not, under FIFRA, render them a hazard, their degree of toxicity and pattern of use may well do so. The unattended and unsupervised use of poisons over large areas of land, by definition, poses a hazard to non-target species. The fact that label instructions contain directions for placing the baits at times and in areas least likely to be populated by non-target species and for policing them, affords slight, if any comfort. This Agency has on prior occasions taken into account a "commonly recognized practice" of use (see *In Re Hari Kari Lindane*, I.F.&R. Docket #6), and has noted that the likelihood of directions being followed may affect their adequacy (see *In Re King Point*, 2 ERC 1819 (1970)); *In Re Stearns*, 2 ERC 1364 (1970).

The hazards from the pattern of use for these chemicals is not remote or off in the distant future. The prairies and ranges are populated by numerous animals, some of which are becoming rare. At jeopardy are potentially endangered species. Each death to that population is an irremediable loss and renders such species closer to extinction.

No apparent circumstances exist to counterbalance this distanct hazard and suggest that the possibility of irremediable loss is outweighed by the harm that might occur from their nonavailability during a period of suspension. The situation might well be different were the removal of these poisons from the market likely to affect human health or the supply of a staple foodstuff; or were there no apparent alternatives available, the balance might be differently struck. This, however, is not true.

I am hereby affixing findings of fact and an order suspending and cancelling these chemicals for use in predator control.

William D. Ruckelshaus,
Administrator.
March 9, 1972.

Findings of Fact

Cyanide

1. Two products in the form of shells containing sodium cyanide are currently registered for explosive devices designed to kill coyotes that may prey on sheep. The device is simply a cyanide charge placed in a baited cylinder and driven into the ground. When the animal pulls at the bait the charge explodes into its mouth. Only one of the shell products is registered for use by the general public. The Division of Wildlife Services of the Department of the Interior has probably been the largest user of such devices.

2. Sodium cyanide is a water-soluble white-solid which reacts with acids to form hydrogen cyanide gas. This chemical is among the most toxic and rapidly acting of all known poisons.

3. Persons overcome by gas either die very rapidly from respiratory failure or recover completely within a relatively short time.

4. Ingestion or inhalation of a very low dose (as little as 300 micrograms per litre of air) may rapidly result in death.

5. There is no true effective antidote.

6. Recent data show four incidents involving cyanide compounds in fiscal year 1970 in three of which human beings were injured by the discharge of cyanide guns placed in fields. Only quick thinking on the part of all three victims in seeking immediate medical aid prevented any loss of life.

7. There is evidence that dogs have been subjected to poisoning by cyanide (used as outlined above) which is highly toxic to all wildlife and domestic animals.

Strychnine

8. Currently at least six products containing strychnine in tablet and technical powder form are registered for use in baits against coyotes and wolves.

9. The technical powder form is for reformulation and repackaging, and is for use only by professional pest control operators and government agencies.

10. The tablets are available on the open market.

11. Strychnine is an extremely bitter-tasting white crystal.

12. It is a complex, naturally occurring, organic compound which would probably bind to soil readily and decompose over a period of time, although information on the persistance of strychnine and its effect on the environment is somewhat limited.

13. Strychnine is highly toxic to humans and animals, with 30 mg. considered as a threat to the life of an adult man. Death has, however, been reported with as little as 5 to 10 mgs., and animal life may be acutely poisoned by ingestion of small amounts.

14. Strychnine acts by interfering with normal neural processes, causing exaggerated muscle contraction and violent convulsion. Death in a rather gruesome form due to respiratory failure soon follows unless the seizures are controlled.

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[4] "An 'imminent hazard' may be declared at any point in a chain of events which may ultimately result in harm to the public. It is not necessary that the final anticipated injury actually have occurred prior to the determination that an 'imminent hazard' exists." *Reasons Underlying the Registration Decisions Concerning Products Containing DDT, 2,4,5-T, Aldrin and Dieldrin*, at 6.

[5] The cancellation proceeding involving the possibility of both a scientific advisory committee and public hearing consumes at least one year. In actual fact, these proceedings have generally taken considerably more than a year.

15. There is no true effective antidote.

1080 (Sodium Fluoroacetate)

16. Four products containing 1080 are currently registered for use as mammalian predacides.

17. Use is restricted to areas west of the 100th meridian, and then only by Division of Wildlife Services personnel, or under their direct supervision.

18. 1080 is a white powder, soluble in water, very stable, and thus very persistent in ground water.

19. 1080 is highly toxic to all species. The dangerous dose for man is 0.5–2 mg/kg. The chemical acts rapidly upon the central nervous and cardiovascular systems with cardiac effects. Effect is usually too quick to permit treatment, and antidotes are relatively valueless.

20. According to one authority, prior to 1963 there were 13 proven fatal cases, five suspected deaths, and six non-fatal cases of 1080 poisoning in man, although it is not clear to what extent predator control materials were implicated.

21. There is evidence that a certain number of non-target animals are being adversely affected by 1080 products, particularly, in the case of carrion eating birds and mammals, by secondary poisoning. It is not clear, however, how various animal populations are being affected, although 1080 is thought to have contributed to the death of at least one California condor, an endangered species.

Benefits

22. There is no reliable data as to the amount of predator control achieved by the use of these poisons.

23. There is no reliable data as to the loss of sheep that might occur without a predator control program using these poisons, or of the real effect of such losses on the general economic health of the sheep industry. Certain data that are presently available indicate predator losses may in fact be of such a low magnitude as to be a minor part of total losses. The Cain Report suggests that among other reasons for the decline of the sheep industry may be competition from synthetic fibers and from lot-fed livestock.

24. For the maintenance of predator control programs, especially in the sheep industry, effective non-chemical alternatives exist, including denning, shooting and trapping, methods that have long been available and effective, though more costly than poisons.

25. The Federal Government has committed itself to a research program for methods of controlling predators other than poisons.

Conclusion

The predator use of the foregoing chemicals presents an imminent hazard such as to warrant their suspension pursuant to section 4(c) of the Federal Insecticide, Fungicide and Rodenticide Act.

Order

In accordance with the attached opinion and findings, it is hereby ordered that the registration for all products containing sodium fluorocetate (1080), sodium cyanide or strychnine for use against mammalian predators be cancelled and suspended immediately.

Registrations for those products bearing directions as listed above are hereby suspended and the products may not be legally shipped in interstate commerce until labeled to block out instructions for predator use.

William D. Ruckelshaus,

Administrator.

March 9, 1972.

Environmental Protection Agency, Pesticides Office, Washington, D.C. 20250

March 9, 1972.

[PR Notice 72–3 Pesticides Regulation Division]

Notice to Manufacturers, Formulators, Distributors and Registrants of Economic Poisons

Attention: Person Responsible for Federal Registration of Economic Poisons.
Suspension of Registration for All Products Containing Thallium Sulfate.

As explained in greater detail in our Order announced today, in connection with registrations of cyanide, strychnine, and sodium fluoroacetate (1080) for use on predators, this Agency undertook to review the status of the registration for thallium sulfate. Last spring evidence came to light of thallium bootlegging in connection with reports of eagle kills.

I.—Findings

1. Thallium is not a registered predacide, but is rather registered for rodent control and use against pests.

2. The chemical is a white powder, soluble in water.

3. It is persistent and will remain indefinitely in soil.

4. It is dermally and orally toxic to humans.

5. Instances of thallium poisoning and bootlegging have been reported.

6. The danger to humans is increased by the tendency of thallium to be stored in the body and thus to build up to critical levels by continued exposure so that permanent damage to vital organs or death may occur.

II.—Conclusion

The principles governing the decision of whether or not to "suspend," see 7 U.S.C. 135(b) have been set forth in our predator control order. Looking to the nature of the hazard and its foreseeability, there can be no question that thallium is a candidate for suspension. The combined circumstances of dermal absorption, possible accidental ingestion, build-up in the body, and persistenace in the environment, taken with the history of known bootlegging, would require a compelling demonstration of benefits to justify the continued use of this product pending the course of cancellation proceedings.

No such benefits exist. Alternatives are available for all thallium uses, including urban rat control. The United States Department of Interior has not used the compound for some time. Whatever their own dangers, particularly as predator poisons, it seems apparent that the controlled used of 1080 and strychnine in an urban environment is far less dangerous than the continued use of thallium with its forty-year history of accidents. All thallium registrations will be forthwith cancelled and suspended in accordance with the attached order.

William D. Ruckelshaus,

Administrator.

March 9, 1972.

Order

In accordance with the attached opinion and findings, it is hereby ordered that the registration for all products containing thallium sulfate for all uses be cancelled and suspended immediately.

Registrations for all thallium products are hereby suspended and the products may not be legally shipped in interstate commerce.

William D. Ruckelshaus,

Administrator.

March 9, 1972.

[FR Doc. 81-34973 Filed 12-4-81; 8:45 am]

BILLING CODE 6560-32-M

[AD-FRL 1857-1]

Control Techniques Guideline Documents: Large Petroleum Dry Cleaners; Fugitive Emissions From Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Release of draft control techniques guideline (CTG) documents for public review.

SUMMARY: Draft CTG documents for control of volatile organic compound emissions from large petroleum dry cleaners; and fugitive emissions from synthetic organic chemical, polymer, and resin manufacturing equipment are available for public review and comment. These informational documents have been prepared to assist States in analyzing and determining reasonably available control technology for stationary sources of volatile organic compound emissions located within ozone national ambient air quality standard nonattainment areas with attainment dates after 1982.

DATES: Comments should be submitted, in duplicate if possible, to the Emission Standards and Engineering Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Fred Porter, on or before January 21, 1982. Comments will be available for public inspection and copying between 8:30 a.m. and 4:00 p.m., Monday through Friday, at the Office of the Director, Room 741, Emission Standards and Engineering Division, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

CONTROL TECHNIQUES GUIDELINE DOCUMENTS: Copies of the draft control techniques guideline documents may be obtained by contacting Mrs. Marcia Piotrowski; (919) 541–5631; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter; (919) 541–5631; Emission Standards and Engineering Division (MD–13); Environmental Protection Agency; Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 require each State in which there were areas exceeding the national ambient air quality standards (NAAQS) to adopt and submit revised State implementation plans (SIP) to EPA by January 1, 1979. States which were unable to demonstrate attainment with the NAAQS for ozone by the statutory deadline of December 31, 1982, could request extensions for attainment with the standard. States granted such extensions are required to submit a further revised SIP to EPA by July 1, 1982.

Sections 172 (a)(2) and (b) (2) and (3) of the Clean Air Act require that nonattainment area SIP's include reasonably available control techology (RACT) requirements for stationary sources.

The EPA is planning on publishing several control techniques guidelines (CTG) documents in 1981 to assist the States in determining RACT for various stationary sources.

CTG documents are informational in nature and provide State and local air pollution control agencies with an initial information base for proceeding with their own analysis of RACT for specific stationary source categories of VOC emissions located within ozone NAAQS extension nonattainment areas. The CTG documents review existing information and data concerning the technology and cost of various control techniques to reduce emissions.

Under Executive Order 12291, EPA must judge whether a regulation is "major" or "minor." If "major," the regulation is subject to a Regulatory Impact Analysis. The draft CTG documents for large petroleum dry cleaners; and fugitive emissions from synthetic organic chemical, polymer, and resin manufacturing equipment are considered "minor."

The CTG documents provide information to assist the States in analyzing and determining RACT to meet the statutory requirement of RACT on stationary sources. The CTG documents are not a regulation and do not impose any new requirements.

This **Federal Register** notice and copies of the draft CTG documents were submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, at the Office of the Director, Room 741, Emission Standards and Engineering Division, Environmental Protection Agency, 411 West Chapel Hill Street, Durham, North Carolina.

Dated: August 26, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 81–34727 Filed 12–4–81; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81–807, etc.; File No. BPH–800626AA, etc.

Ivanhoe Broadcasting Corp., et al.; Hearing Designation Order

Adopted: November 10, 1981.

Released: November 24, 1981.

In re applications of Ivanhoe Broadcasting Corp., Ponce, Puerto Rico, BC Docket No. 81–807, File No. BPH–800626AA, Req: 101.1 MHz, Channel 266 50 kW (H&V), 231 feet (HAAT); Jose J. Ortiz, Judith Mendez de Ortiz and Bessy A. Ortiz, d/b/a Family Broadcasting Group, Ponce, Puerto Rico, BC Docket No. 81–808, File No. BPH–800925AA, Req: 101.1 MHz, Channel 266 50 kW (H&V), minus 46 feet (HAAT); Zaba Radio Corp., Ponce Puerto Rico, BC Docket No. 81–809, File No. BPH–800930AD, Req: 101.1 MHz, Channel 266 50 kW (H&V), 363 feet (HAAT); Marsona Broadcasting Corp., Ponce, Puerto, Rico, BC Docket No. 81–810, File No. BPH–801003AJ, Req: 101.1 MHz, Channel 266 50 kW (H&V), 203 feet (HAAT); designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Ivanhoe Broadcasting Corporation, Jose J. Ortiz, Judith Mendez de Ortiz and Bessy A. Ortiz, d/b/a, Family Broadcasting Group (Family), Zaba Radio Corporation (Zaba) and Marsona Broadcasting Corporation (Marsona).

2. *Family.* Applicants for new broadcast stations are required by 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the rules. We have no evidence that Family published the required notice. To remedy this deficiency, Family will be required to publish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

3. Analysis of the financial data submitted by Family reveals that $164,500 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$68,000
Building	12,000
Miscellaneous	62,500
Operating costs (three months)	22,000
Total	164,500

Family plans to finance construction with existing capital in the amount of $42,500 and a bank loan for an amount "between $100,000 and $125,000." However, by its own terms, the bank letter submitted by Family is not a firm commitment to advance the funds. Hence, only $42,500 in existing capital has been shown available to meet its required costs of construction and operation of $164,500. A financial issue will therefore be specified.

4. *Zaba.* Applicant's proposed antenna structure is above 300 feet and is thus a major action under the National Environmental Policy Act. Applicant must therefore submit an environmental impact statement as required by § 1.1311 of the Commission's Rules. Zaba shall amend its application by submitting an environmental impact statement with the Administrative Law Judge.

5. *Marsona.* Analysis of the financial data submitted by Marsona reveals that $156,954 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$96,880
Miscellaneous	14,000
Operating costs (three months)	46,074
Total	156,954

Marsona plans to finance construction and operation with the following funds: Applicant shows the availability of existing capital in the amount of $1,000. Applicant is relying on a bank line of credit in the amount of $500,000. However, the bank letter submitted by Marsona is not a firm commitment to advance the funds. Hence, the $1,000 in

existing capital available to Marsona is insufficient to meet its required cost of construction and operation for 3 months. A financial issue will therefore be specified.

6. *Other Matters.* On October 3, 1980, Anibal Sotomayor filed an application for a construction permit for a new FM broadcast station on Channel 266B. On December 18, 1980, the Sotomayor application was returned as unacceptable for filing. A preliminary examination of the Sotomayor application revealed that the proposed operation failed to comply with § 73.203(b) of the Commission's Rules pertaining to availability of channels. Specifically, FM Channel 266B, which is assigned to Ponce, Puerto Rico, is also available (upon application) to any other community that is not *listed* in the Table of Assignments set forth in § 73.202(b) and which is located within 15 miles of Ponce. Although the city of Adjuntas is located within 15 miles of Ponce, the city of Adjuntas, is listed in the Table of Assignments. Channel 275 is assigned to Adjuntas, Puerto Rico according to the Table of Assignments, notwithstanding the fact that Channel 275 is licensed to Station WCHQ, Camuy, Puerto Rico. In support of his petition for reconsideration, filed January 13, 1981, Sotomayor states that Channel 275 has been effectively removed to Camuy. In this connection, Sotomayor asserts there is no FM channel available to Adjuntas and suggests that the Commission "correct" the Table of Assignments to reflect the actual use of Channel 275 in Camuy.

7. Section 73.203(b), in pertinent part, specifically states that any *unlisted* community may apply for an available channel in a listed community if it meets certain requisite criteria. Adjuntas *is listed* in the Table of Assignments and is thus precluded from applying for Channel 266 assigned to Ponce. Moreover, the proper proceeding for seeking the relief requested by Sotomayor is a rulemaking to amend the Table of Assignments. Accordingly, the Sotomayor petition for reconsideration will be denied.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, *it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Family:

a. The source and availability of additional funds over and above the $42,500. Indicated; and

b. Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Marsona:

a. The source and availability of additional funds over and above the $1,000 indicated; and

b. Whether in light of the evidenced adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. *It is further ordered,* That the petition for reconsideration filed by Anibal Sotomayor IS DENIED.

11. *It is further ordered,* That in the event the application of Zaba is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Zaba will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

12. *It is further ordered,* That Zaba shall file the amendment specified in Paragraph 4 above with the presiding Administrative Law Judge within 30 days after this order is published in the Federal Register.

13. *It is further ordered,* That Family shall file the amendment specified in Paragraph 2 above with the presiding Administrative Law Judge on or before January 6, 1982.

14. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicant herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

16. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, *It is further ordered,* That the following issue is specified:

3. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Family Broadcasting Group, Zaba Radio Corporation and Marsona Broadcasting Corporation.

17. *It is further ordered,* That the Federal Aviation Administration is made a party to the proceeding.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34923 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-804, etc.; File No. BPH-800214AI, etc.]

Robillard Communications, Inc., et al.; Hearing Designation Order

Adopted: November 10, 1981.

Released: November 24, 1981.

In re applications of Robillard Communications, Inc., Dubach, Louisiana, BC DOCKET NO. 81-804, File No. BPH-800214AI, Req: 97.7 MHz, Channel 249, 3 kW (H&V), 300 feet (HAAT); Dubach Broadcasting Co., Dubach, Louisiana, BC DOCKET NO. 81-805, File No. BPH-800220AL, Req: 97.7 MHz, Channel 249, 3 kW (H&V), 300 feet (HAAT); DUBACH RADIO, INC., Dubach, Louisiana, BC DOCKET NO. 81-806, File No. BPH-800829BD, Req: 97.7 MHz, Channel 249, 3 kW (H&V), 300 feet (HAAT); for construction permit for a new FM station; designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Robillard Communications, Incorporated (Robillard), Dubach Broadcasting Company (Broadcasting) and Dubach Radio, Inc. (Radio).

2. *Robillard.* The age of majority in Louisiana is 18. Rebecca R. Robillard, one of the principals of Robillard Communications, Inc., was born November 22, 1965, thus she has not yet reached the age of majority under Louisiana law. Since she is legally under the control of her parents, Joseph P. and Elizabeth G. Robillard, for comparative purposes, the interests of Rebecca's

parents in other broadcast properties must be imputed to Rebecca.[1]

3. Section 73.2080(c) of the Commission's Rules requires that an applicant for a construction permit for a new facility file an equal employment opportunity program if it proposes to have 5 or more full-time employees. The EEO program filed by Robillard, Section VI of Form 301, indicates the "city and state which station is licensed to serve" as Haynesville, Louisiana instead of Dubach. Accordingly, Robillard shall file with the Administrative Law Judge an amendment to Section VI, Form 301, specifying Dubach, Louisiana as the city and state to be served.

4. *Broadcasting.* In response to Question 6, Section II, Form 301, Broadcasting indicates that not all of the parties to its application are citizens of the United States. Since all of the parties to the application were born in and are residents of the United States, this response may be erroneous. Applicant shall file an amendment to its application with the Administrative Law Judge responding to Question 6.

5. Broadcasting proposed to locate its main studio 3.4 miles outside the city limits of Dubach. Section 73.1125(a)(3) of the Commission's Rules provides that a broadcast station may locate its main studio outside the principal community to be served upon a showing of good cause, and that the granting of such proposal would be in the public interest. Broadcasting has not submitted such a showing. Therefore, a § 73.1125 issue will be specified.

6. *Radio.* In response to Question 5, Section V–B, Form 301, Radio indicates only that the site of its main studio is "To Be Determined." Therefore, a § 73.1125 issue will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, *it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Dubach Broadcasting Company, whether the main studio location complies with § 73.1125 of the Rules and, if not, whether circumstances exist which warrant a waiver of that Section.

2. To determine with respect to Dubach Radio, Inc. whether the main studio location complies with § 73.1125 of the Rules and, if not, whether circumstances exist which warrant a waiver of the section.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. *It is further ordered,* That Robillard file an amendment to Section VI, Form 301 with the presiding Administrative Law Judge.

10. *It is further ordered,* That Broadcasting shall file an amendment with the presiding Administrative Law Judge responding to Question 6, Section II of Form 301.

11. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. *It is further ordered,* That the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

13. The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, *it is further ordered,* That the following issue is specified:

3. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Robillard Communications, Inc., Dubach Broadcasting Company and Dubach Radio, Inc.

14. *It is further ordered,* That the Federal Aviation Administration IS MADE A PARTY to the proceeding.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34822 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Joseph Robillard has a controlling interest in KLUV (AM), Haynesville, Louisiana. Additionally, both Joseph and Elizabeth have a combine interest of 50% in Talbot-Robillard, Inc., permittee of new FM station KQIT, Stamps, Arkansas.

[BC Docket Nos. 81-802 and 81-803; File Nos. BPH-801029AA and BPH-810313AD]

Town and Country Broadcasting and Mary Ellen Burns; Hearing Designation Order

Adopted: November 10, 1981.

Released: November 20, 1981.

In re applications of Town and Country Broadcasting, Inc., Decatur, Illinois, BC Docket No. 81–802, File No. BPH–801029AA, Req: 99.3 MHz, Channel No. 257A 3.0 kW (H&V), 300 feet; Mary Ellen Burns, Mt. Zion Illinois, BC Docket No. 81–803, File No. BPH–810313AD, Req: 99.3 MHz, Channel No. 257A 3.0 kW (H&V), 300 feet; for construction permit for a new FM station; designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Town and Country Broadcasting, Inc. (TCB), and Mary Ellen Burns (Burns).

2. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that TCB published the required notice. To remedy this deficiency, TCB will be required to publish local notice of its application, if it has not already done so, and file a statement of publication with the presiding Administrative Law Judge.

3. The TCB proposal constitutes a major environmental action, as defined by § 1.1305(a) of the Rules, since the antenna tower exceeds 300 feet in height above ground. To comply with § 1.1311 of the Rules, TCB provided an environmental narrative statement of two sentences regarding the height and location of the tower. The information submitted lacks the environmental information requested by § 1.1311, and accordingly, an issue will be designated.

4. Analysis of the financial data submitted by TCB reveals that $63,515 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$19,415
Land	3,000
Building	5,000
Miscellaneous	4,000
Operating cost (three months)	32,100
Total	63,515

TCB plans to finance construction and operation with the following funds: $63,000 in stock subscriptions: $30,000 from a mandatory stock purchase by the upcoming general manager of the station; and $8,212 currently in the bank. Although, the subscription agreements were included in the application, TCB failed to provide balance sheets for the stockholders and the general manager showing their ability to purchase the stock. A financial issue will therefore be specified.

5. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. The proposals are mutually exclusive and must be designated for hearing in a consolidated proceeding. The applicants are qualified to construct and operate as proposed except as indicated by the qualification issues, if any, specified below.

7. Accordingly, *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to TCB

(a) the source and availability of additional funds over and above the $8,212 indicated; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. Whether TCB's environmental information has fully complied with the provisions of § 1.1311 of the Commission's Rules.

4. To determine, in light of section 307(b) of the Communications Act of 1934, as amended which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

8. *It is further ordered*, That TCB shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

9. *It is further ordered*, That to avail themselves of the opportunity to be heard the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in persons or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

11. The Commission has not yet received Federal Aviation Administration clearance for the antenna towers proposed by the below listed applicants. Accordingly, *It is further ordered*, That the following issue is specified:

3. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and locations proposed by TCB and Burns.

12. *It is further ordered*, That the Federal Aviation Administration is made a party to the proceeding.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34827 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-797 and 81-798; File Nos. BP-810313AE and BP-81051AD]

KWIQ Radio, Inc. et al; Applications

Adopted: November 9, 1981.

Released: November 24, 1981.

By the Chief, Broadcast Bureau.

In the matter of applications of KWIQ Radio, Inc., KWIQ, Moses Lake North, Washington; Has: 1260 kHz, 1 kW D (Moses Lake, Washington); Req: 1020 kHz, 500 W, 5 kW-LS, U (Moses Lake North, Washington) (BC Docket No. 81-797, File No. BP-810313AE) and Robert E. Reece, Raymond V. Naught and Donald L. Harris d.b.a. Tri-Co Company, Selah, Washington; Req: 1020 kHz, 500 W, 10 kW-LS, U (BC Docket No. 81-798, File No. BP-810518AD) for construction permit. Hearing designation order designating applications for consolidated hearing on stated issues.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for new and modified AM broadcast stations.

2. *KWIQ Radio, Inc.* We have no evidence that KWIQ broadcast and published the local notice of its application required by § 73.3580 of the Rules. It must therefore demonstrate that it did.

3. *Tri-Co Company.* This applicant proposes service to Selah, Washington (1980 population 4,372), which is less than half the size of nearby Yakima (1980 population 49,826). Further, the proposed station would provide 5 mV/m daytime service to all of Yakima and 10 mV/m interference-free nighttime service to a large part of it. Under a policy announced in *Policy Statement on Section 307(b)*, 2 FCC 2d 190 (1965), and affirmed in *AM Station Assignment Standards*, 54 FCC 2d 1, 21-22 (1975), a presumption therefore arises that this applicant realistically proposes to serve Yakima rather than Selah. Appropriate issues will be specified.

4. *Other matters.* Except as indicated by the issues specified below, both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Although the proposals are for different communities, they would serve substantial areas in common during daytime hours. Consequently, in addition to determining pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

5. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the Tri-Co Company proposal will realistically provide a local transmission facility for Selah, Washington, or for Yakima, Washington.
2. To determine, in the event it be concluded pursuant to Issue 1 that the

proposal will not realistically provide a local transmission service for Selah, Washington, whether the proposal meets the technical provisions of the Rules for AM broadcast stations assigned to Yakima, Washington.

3. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

4. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which application should be granted.

6. It is further ordered, that KWIQ Radio, Inc. shall broadcast and publish local notice of its application (if it has not already done so) and shall file a statement with the presiding Administrative Law Judge on or before January 18, 1982.[1]

7. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's rules, the applicant shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

8. It is further ordered, that pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, the applicants shall give notice of the hearings as prescribed in the rule, and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34924 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[1] KWIQ Radio, Inc. has also been requested by pre-designation letter to file certain environmental information about its proposal. If it has not yet done so, it must file that informaton on or before January 6, 1982.

[BC Docket No. 81-79, File No. BPH-800425 AE, etc.]

M&M Communications, Inc., et al; Applications

In the matter of Applications of M&M Communications, Inc., Warrensburg, Missouri; Req: 105.5 MHz, Channel 288 3 kW (H&V), 299.9 feet (BC DOCKET NO. 81-799, File No. BPH-800425AE); Grapevine Communications, Inc., Warrensburg, Missouri; Req: 105.5 MHz, Channel 288 3 kW (H&V) 300 feet (BC DOCKET NO. 81-800, File No. BPH - 800703AB); Warrensburg Broadcasters, Inc., Knob Noster, Missouri; Req: 105.5 MHz, Channel 288 3 kW (H&V), 300 feet (BG DOCKET NO. 81-801, File No. BPH-800829AH). Hea designation order designating applications for consolidated hearing on stated issues.

Adopted: November 9, 1981.

Released: November 24, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by M&M Communications, Inc. (M&M), Grapevine Communications, Inc. (Grapevine),[1] and Warrensburg Broadcasters, Inc. (Warrensburg).

2. *M & M.* Applicants for new broadcast stations are required by § 73.3580)f) of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. From the evidence before us, M&M's public notice failed to include the transmitter height and location. Additionally, the studio location and public file were not in the community of license. To remedy these deficiencies, M&M will be required to republish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge.

3. Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. M&M proposes to locate its main studio approximately six-tenths of a mile north from the Warrensburg city limits. The applicant alleges that the proposed location is easily accessible from Warrensburg. There is no question here of a *de facto* change in station location. Under these circumstances we believe that adequate justification has been provided under § 73.1125 for the proposed studio location.

4. Analysis of the financial data submitted by M&M reveals that $90,672 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	$31,350
Land	10,000
Building	10,000
Miscellaneous	15,000
Operating cost (three months)	24,322
Total	90,672

M&M plans to finance construction and operation with $64,000 in existing capital, $5,000 in new capital and an $80,000 bank loan. The applicant relies upon the balance sheets of Big Country of Missouri, Inc., a commonly owned corporation, and Richard L. Billings and Patricia A. Billings, holders of 100% of the applicant's stock. However, neither balance sheet adequately segregates the current (12 month) portion of obligations, and it is impossible to determine whether any net liquid assets are available to the applicant from these sources. Finally, although the bank has submitted an application for an $80,000 Small Business Administration Loan to the applicant, the line of credit by its terms is authorized for only $20,000. Since the applicant has shown only $20,000 available to meet the $90,677 needed for construction and operation, a financial issue will be specified.

5. Since no determination has been reached that the antenna proposed by M&M would not constitute a menace to air navigation, an issue regarding this matter is required.

6. *Grapevine.* Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. Grapevine has failed to provide us with any information as to its main studio location. Under these circumstances, and issue will be specified.

7. Since no determination has been reached that the antenna proposed by Grapevine would not constitute a menance to air navigation, an issue regarding this matter is required.

8. *Warrensburg.* Warrensburg proposed to locate its main studio approximately 3.5 miles east of the recognized Knob Noster boundaries. The applicant alleges that the proposed location is easily accessible from Knob Noster. There is no question here of a *de*

[1] Grapevine's April 10, 1981 amendment reporting disposal of other broadcast interests of its principals, was filed after the "B" cut-off date and will be received only for purposes of compliance with § 1.65 of the Rules, not any comparative consideration.

facto change in station location. Under these circumstances we believe that adequate justification has been provided under § 73.1125 for the proposed studio location.

9. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, it is ordered that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to M&M.

(a) The source and availability of additional funds over and above the $20,000 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by M&M would constitute a hazard to air navigation.

3. To determine whether the proposal of Grapevine contains a main studio location within its community of license in compliance with § 73.1125 of the Commission's Rules with respect to location of the main studio and, if not, whether circumstances warrant a waiver of that Section.

4. To determine whether there is a resonable possibility that the tower height and location proposed by Grapevine would constitute a hazard to air navigation.

5. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio services.

6. To determine in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

12. It is further ordered, that M&M Communications, Inc. shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

13. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

14. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34825 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-795 and 81-796; File Nos. BPH-791107AD and BPH-800828AH]

Western Minnesota Stereo, Inc. and O & I Broadcasting; Applications

In the matter of applications of Western Minnesota Stereo, Inc., Montevideo, Minnesota; Req: 105.5 MHz, Channel 288 3 kW (H&V), 297 feet (BC Docket No. 81-795, File No. BPH-791107AD), and O & I Broadcasting, Montevideo, Minnesota; Req: 105.5 MHz, Channel 288 3 kW (H&V), 300 feet (BC Docket No. 81-796, File No. BPH-800828AH), for construction permit for a new FM station. Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: November 9, 1981.

Released: November 20, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority has under consideration the above-captioned mutually exclusive applications filed by Western Minnesota Stereo, Inc., (hereinafter Western), and O & I Broadcasting (hereinafter O & I).

2. *Western.* Analysis of the financial data submitted by Western reveals that $39,221 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment (first and last month)	$5,712
Equipment payments (4 months)	11,424
Land	(1)
Building	1,000
Miscellaneous	12,700
Operating Cost (3 months)	11,241
Total	42,077

[1] To be leased.

To meet this requirement, Western intends to rely on existing capital of $2,500, a loan from stockholder in the amount of $40,000, with no interest or principal required to be paid back until the radio station is making money, and deferred credit from the equipment supplier in the amount of $62,162. However, since applicant's breakdown of its operating costs does not include the expense for leasing the land, the sum of 42,077 is below applicant's actual costs.[1] Therefore, a limited financial issue will be specified.

3. Western will not be able to provide a 3.16 mV/m signal to the entire city of Montevideo as required by § 73.315(d) of the rules. Only a small portion of the city of Montevideo extends beyond the 3.16 mV/m contour, which includes about 20 houses. Under these circumstances, we have determined that waiver of this provision is appropriate.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for comparative hearing on the issues specified below.

5. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Western

(a) the cost of leasing land, and

[1] Similarly, O & I also did not include in its estimate its cost in leasing land, but because O & I's resources above those needed to meet its express costs are shown to be greater than what the probable cost of leasing will be, a financial issue will not be designated.

(b) whether, in light of the evidence adduced pursuant to (a) above, applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, that, if the application of Western is granted, the permit shall specify that the provisions of § 73.315(a) of the Commission's rules are waived to permit a signal of less than 3.16 mV/M over the entire city of Montevideo.

7. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's rules, give notice of the hearing (either individually, or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-34926 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-791 and 81-792; File Nos. BPCT-810121KO and BPCT-810615KJ]

Wilmington Telecasters, Inc. and Cape Fear Television, Inc.; Applications

In the matter of applications of Wilmington Telecasters, Inc., Wilmington, North Carolina (BC Docket No. 81-791, File No. BPCT-810121KO), and Cape Fear Television, Inc., Wilmington, North Carolina, (BC Docket No. 81-792, File No. BPCT-810615KJ) for construction permit. Hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: November 9, 1981.

Released: November 24, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 29, Wilmington, North Carolina.

Wilmington Telecasters, Inc.

2. The application states that Wilmington is a wholly-owned subsidary of American Telecasters, Inc. (American). The application also shows, however, that only five shares of stock are outstanding and that these shares are held by Kathrine R. Everett, who is the president and a board member of Wilmington. It is further stated that the shares represent the costs of organization for Wilmington, but no explanation of this arrangement is offered. It is stated that Mrs. Everett holds the shares "for the beneficial interest" of American. Numerous questions are raised with respect to the legal status of this applicant.

3. We are not told why Mrs. Everett obtained stock or under what circumstances. We do not know if she advanced her own funds for organizational expenses and the stock was issued as reimbursement, or whether she purchased the stock with funds which the corporation then used for organizational expenses, or whether there is some other explanation. If the stock was purchased or issued as reimbursement, it would appear that legal title resides in Mrs. Everett and that she holds the stock for her own interest. In any even, since she is apparently the sole stockholder, Wilmington is not a wholly-owned subsidiary of American and cannot become so without losing the right to comparative consideration. If there is some contract, agreement, or understanding between Mrs. Everett and American under which Mrs. Everett holds bare legal title with the beneficial interest (including voting rights) being in American, a copy of that arrangement should have been filed as required by Section II, paragraph 10(d) of FCC Form 301. Any effort to transfer control of the corporation from Mrs. Everett to American would, of course, be a major change, resulting in dismissal of the Wilmington application or rejection of the amendment. Appropriate issues will be specified to ascertain the facts concerning ownership and control of the applicant corporation.

4. The applicant estimates that it will require $2,670,450 to construct and operate for three months. Applicant's "Plan of Financing" (exhibit 5) indicates that it relies on a loan of $1,000,000 from American Telecasters Inc. and an installment sales agreement with RCA for equipment. The application contains no copy of an undertaking by American Telecasters to loan money to the applicant. Neither does Wilmington submit a copy of the RCA installment sales agreement. There is, however, a letter to American from Northwestern Bank (exhibit 6) stating that the bank will lend money to American, but that no terms have yet been decided upon. Additionally, the bank letter contains no indication of the amount to be loaned. American, therefore, cannot be considered as a source of funds to the applicant. Appropriate financial issues will be specified.

Cape Fear Television, Inc.

5. Since no determination has been reached that the tower height and location proposed by applicant would not constitute a hazard to air navigation, an issue regarding this matter is required.

Conclusion and Order

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since these application are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Wilmington Telecasters, Inc.:

(a) Whether there are any contracts, agreements, arrangements or understandings between Mrs. Kathrine R. Everett and American Telecasters, Inc., or any other person, persons or entity concerning or affecting ownership or control of Wilmington Telecasters, Inc., and, if so, the nature thereof;

(b) In light of the evidence adduced pursuant to the foregoing issue, whether the applicant is legally qualified.

(c) The source and availability of $2,670,450 to construct and operate as proposed;

(d) Whether, in light of the evidence adduced pursuant to (c) above, applicant is financially qualified.

2. To determine with respect to Cape Fear Television, Inc. whether there is a reasonable possibility that the tower

height and location proposed would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding with respect to issue 2.

9. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein, pursuant to § 1.221(c) of the Commission's Rules, in person of by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. It is further ordered, that the applicants herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 81-34828 Filed 12-4-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1860]

Aroundworld Shipping & Chartering, Inc.; Order of Revocation

On November 27, 1981, Aroundworld Shipping & Chartering, Inc., 16515 Hedgecroft Street, #306, Houston, TX 77205 surrendered its Independent Ocean Freight Forwarder License No. 1860 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(e) dated November 12, 1981:

It is ordered, that Independent Ocean Freight Forwarder License No. 1860 issued to Aroundworld Shipping & Chartering, Inc. be revoked effective November 27, 1981.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Aroundworld Shipping & Chartering, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-35024 Filed 12-4-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of October 5–6, 1981

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on October 5–6, 1981.[1]

"The information reviewed at this meeting suggests that real GNP declined slightly further in the third quarter and that prices on the average continued to rise at the somewhat lower rate that emerged in the second quarter. In July and August the nominal value of total retail sales was essentially unchanged from the June level, and unit sales of domestic automobiles weakened in September. Industrial production declined slightly in August and apparently slackened further in September, while nonfarm payroll employment changed little in both months. The unemployment rate rose to 7.5 percent in September, about equal to its average in the first half of 1981. Housing starts fell in August to the lowest rate in several years. Over the first nine months of the year, the rise in the index of average hourly earnings was somewhat less rapid than during 1980.

"The weighted average value of the dollar against major foreign currencies declined sharply through mid-September from its peak in early August and on balance has changed little since then. In August the U.S. foreign trade deficit widened substantially from the low rate in July; for July and August combined, the deficit was considerably larger than the second-quarter rate.

"M1–B, adjusted for the estimated effects of shifts into NOW account, increased little over the period from June to September, while M2 grew at a relatively strong pace. The level of adjusted M1–B in September was well below the lower end of the Committee's range for growth over the year from the fourth quarter of 1980 to the fourth quarter of 1981; the level of M2 was at the upper end of its range for the year. In frequently volatile markets, short-term rates have risen considerably further. On September 21 the Board of Governors announced a reduction in the surcharge from 4 to 3 percentage points on frequent borrowings of large depository institutions.

"The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote sustained economic growth, and contribute to a sustainable pattern of international transactions. At its meeting in early July, the Committee agreed that these objectives would be furthered by reaffirming the monetary growth ranges for the period from the fourth quarter of 1980 to the fourth quarter of 1981 that it had set at the February meeting. These ranges included growth of 3½ to 6 percent for M1–B, abstracting from the impact of flows into NOW accounts on a nationwide basis, and growth of 6 to 9 percent and 6½ to 9½ percent for M2 and M3, respectively. The Committee recognized that the shortfall in M1–B growth in the first half of the year partly reflected a shift in public preferences toward other highly liquid assets and that growth in the broader aggregates had been running at about or somewhat above the upper ends of their ranges. In light of its desire to maintain moderate growth in money over the balance of the year, the Committee expected that growth in M1–B for the year would be near the lower end of its range. At the same time, growth in the broader aggregates might be high in their ranges. The associated range for bank credit was 6 to 9 percent. The Committee also tentatively agreed that for the period from the fourth quarter of 1981 to the fourth quarter of 1982 growth of M1, M2, and M3 within ranges of 2½ to 5½ percent, 6 to 9 percent, and 6½ to 9½ percent would be appropriate. These ranges will be reconsidered as warranted to take account of developing experience with public preferences for NOW and similar accounts as well as changing economic and financial conditions.

"In the short run the Committee seeks behavior of reserve aggregates consistent with growth of M1–B from September to December at an annual rate of 7 percent after allowance for the impact of flows into NOW accounts and with growth in M2 at an annual rate around 10 percent or slightly higher, recognizing that the behavior of M2 will be affected by recent regulatory and legislative changes, particularly the public's response to the availability of the all savers certificate. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 12 to 17 percent."

By order of the Federal Open Market Committee, November 27, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81-34985 Filed 12-4-81; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of Policy Actions of the Committee for the meeting of October 5–6, 1981, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL SERVICES ADMINISTRATION

[E-81-32]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent

the consumer interests of the executive agencies of the Federal Government in proceedings before the Washington Utilities and Transportation Commission involving electric rates, Cause No. U–81–41.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Washington Utilities and Transportation Commission involving the application of the Puget Sound Power and Light Company for an increase in its electric rates in Cause No. U-81-41.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 24, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc.81-34919 Filed 12-4-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-31]

Delegation of Authority to the Secretary of Defense

1. *purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Rhode Island Public Utilities Commission involving electric rates, Docket No. 1599.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Rhode Island Public Utilities Commission involving the application of the Newport Electric Corporation for an increase in its electric rates in Docket No. 1599.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officals, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: November 24, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34920 Filed 12-4-81; 8:45 am]

BILLING CODE 6820-AM-M

[E-81-33]

Delegation of Authority to Secretary of Energy

1. *Purpose.* This delegation authorizes the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission involving electric rates, Docket No. ER82–1–000.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Energy to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission involving the application of the Public Service Company of New Mexico for an increase in its electric rates in Docket No. ER82–1–000.

b. The Secretary of Energy may redelegate this authority to any officer, official, or employee of the Department of Energy.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Energy shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Energy filings.

Dated: November 30, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34976 Filed 12-4-81; 8:45 am]

BILLING CODE 6820-AM-M

[H-81-4]

Delegation of Authority to the Secretary of the Interior

1. *Purpose.* This delegation authorizes the Secretary of the Interior to dispose of surplus mineral resources underlying the property known as the Tennessee Products Corporation, Rockwood, Tennessee, RR–TN–28, as prescribed in part 101–47 of the Federal Property Management Regulations (FPMR) (41 CFR 101–47).

2. *Effective Date.* The delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, particularly sections 203 and 205(d) (40 U.S.C. 484 and 486(d)), authority is delegated to the Secretary of the Interior to dispose of surplus mineral resources underlying the property known as the Tennessee Products Corporation, Rockwood, Tennessee, RR–TN–28, in accordance with this act and implementing regulations.

b. The Secretary of the Interior may redelegate this authority to any officer, official, or employee of the Department of the Interior.

c. Under the delegated authority, the Department of the Interior, as the disposal agency, is responsible for the following: (1) securing, in accordance with FPMR 101–47.303–4, any appraisals deemed necessary by the Secretary; (2) coordinating with all present and subsequent surface landholders, Federal or otherwise, so as not to impede use of the facilities or impair the integrity of utilization; (3) ensuring that lands which are disturbed or damaged are restored after removal of the mineral deposits is completed; and (4) notifying the General Services Administration when the disposal of all marketable mineral deposits has been completed.

d. The Department of the Interior, as the disposal agency, is responsible for

complying with the requirements of the following: (1) the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, et seq.), Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environemntal Quality," as amended by Executive Order 11991, Relating to Protection and Enhancement of Environmental Quality, and implementing regulations issued by the Council on Environmental Quality (40 CFR 800); (2) section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f); and (3) guidelines developed by the Tennessee Wildlife Resources Agency.

e. A copy of any documents executed under this delegation shall be forwarded immediately to the General Services Administration (DR), Washington, D.C. 20406.

Dated: November 30, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-34977 Filed 12-4-81; 8:45 am]

BILLING CODE 6820-96-M

Travel Expenses; Report on the Cost of Travel and the Operation of Privately Owned Vehicles

Correction

In FR Doc. 81-34328, appearing at page 58363, in the issue of Tuesday, December 1, 1981, make the following correction.

On page 58365, second column, the "Prescribed maximum daily rate (in dollars)" was inadvertently ommitted for the "District of Columbia". That rate should read "$75."

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Privacy Act 1974; Report of a New System of Records

AGENCY: Office of the Assistant Secretary for Planning and Evaluation (ASPE), Office of the Secretary (OS).

ACTION: Notification of New System of Records—National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/ASPE, 09-90-0088.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records: National Long-Term Care Channeling Demonstration (NLTCCD), HHS/OS/ASPE, 09-90-0088. We also are proposing to include routine uses of the sytem in accordance with 5 U.S.C. 552a(e)(11). This proposed new system will provide for the following types of data: demographic, health and economic characteristics, functional status, service utilization and cost of utilization, for a sample of eligible elderly, functionally impaired persons participating in the demonstration as treatment or control group members. Data on participants' families and on long-term care providers also will be collected and maintained. The proposed system will be used by the evaluation contractor to conduct statistical analysis and by channeling agencies to conduct the demonstration.

We will collect complete data from 10 sites in 10 states on about 8,400 individuals who are selected into the impact research sample. The sample size has been determined by standard sample design techniques to be the minimum that can be expected to reveal statistically significant outcomes between treatment and control groups in the basic and complex models of channeling should such differences occur. Additionally, a more limited set of data (identifying information, screening and baseline assessment information) will be collected and maintained in the system of records for a further 6,400 individuals receiving channeling services. Names, addresses, and referral destinations will be maintained for approximately 47,450 individuals who apply or are referred for channeling services but who do not meet the program's eligibility criteria.

The public is invited to submit comments on the routine uses on or before January 6, 1982.

DATES: We filed a report of a new system of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on the December 2, 1981. This system will become effective February 1, 1982. The proposed routine uses will be become effective without further publication on the same date unless DHHS receives comments which would result in a contrary determination.

ADDRESS: Address comments to the ASPE Privacy Act Officer, Department of Health and Human Services, 200 Independence Avenue, S.W. Washington, D.C. 20201. We will make comments received available for public inspection in Room 434G.12, Alcove, Hubert Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT: Project Officer, National Long-Term Care Channeling Demonstration, Office of the Assistant Secretary for Planning and Evaluation, 200 Independence Avenue, S.W., Washington, D.C. 20201, telephone number (202) 245-1794.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, proposes to initiate a new system of collecting data under the authorities of section 421 of the Older Americans Act sections 1110, 1115, 1875 and 1881 of the Social Security Act and sections 1526 and 1533(d) of the Public Health Service Act.

In 1980, the Department of Health and Human Services (DHHS) initiated the National Long-Term Care Channeling Demonstration to develop and test methods to maximize the efficient use of existing long-term care resources. The Office of the Secretary (Assistant Secretary for Planning and Evaluation), the Administation on Aging, and the Health Care Financing Administration jointly manage this demonstration.

This demonstration was developed in response to serious concern at all levels of government about the rapid increase in nursing home costs, fragmentation of the existing service system, and federal financial incentives for nursing home placement for elders.

In response to these concerns, a national demonstration and evaluation have been established to test a community care approach to long-term care called "channeling." Channeling provides a central intake point in the community for older persons; a systematic assessment of the individual's needs; and continuing case management to develop, implement, and monitor a plan of care tailored to the individual's changing needs. (The channeling objectives can be found in Appendix 1 of the system notice.)

The channeling concept will be implemented at the local level by a community agency in ten states participating in the demonstation. (See Appendix 2 of the system notice.) Two models of channeling will be tested: One which relies on services already existing in the community; and one with additional service resources which limits expenditures with a fixed budget approach.

Data will be collected from a number of sources for inclusion in the system of records. These sources include personal interveiws with individuals, their proxies, and their families, and records of health and social services, including Medicare and Medicaid claims and billings records. In order to associate data from different sources for a given individual, linkage of names and identifying numbers will be necessary. The personal identifiers, however, will

be maintained in a limited number of files, and source data will be stripped of its identifying information as soon as it is operationally feasible. For purposes of data-gathering, a "field" identifying number will be assigned to each individual. Once data is collected, validated, and edited, a "research" identifying number will be assigned to the individual record, and all personal identifying information including field indentifying numbers, will be stripped from the record. A master "link" file will be maintained which associates the two series of identifying numbers. Access to this file will be restricted to evaluation contractor staff who need to use the file to fulfill their professional duties.

The Privacy Act of 1974 allows us to disclose information without the consent of the individual for "routine uses," that is, disclosure for purposes that are compatible with the purposes for which the data are collected. Accordingly, we are establishing two routine uses of information in this system.

One routine use provides for disclosure in response to congressional inquiries made at the request of any individual included in the system of records.

The other routine use provides for disclosure to a contractor of AOA, HCFA or ASPE, for performance of research and statistical activities in order to accomplish the purposes for which the records are collected.

Individually indentifiable data are maintained at the 10 channeling agencies (see Appendix 2 of the system notice) and at the contractor for the evaluation, Mathematica Policy Research, Inc. (P.O. Box 2393, Princeton, New Jersey 08540). Mathematica Policy Research will maintain records in hard copy and on magnetic computer tapes and disc.[1] Individual identifiers will be stripped from records as soon as it is operationally feasible. However, those files which must contain individual indentifiers will be kept in locked file cabinets or areas of restricted access, and will be made available only to individuals who need access to the records in order to fulfil their official duties.

The channeling agencies will maintain records in hard copy and on magnetic tapes and discs. Case records will be maintained in hard copy with individual identifiers in limited access areas. Service authorization and utilization records will be maintained on magnetic tape or disc. Access to both sets of data will be limited to individuals whose official duties require access.

Since we propose to establish this system in accordance with the requirements of the Privacy Act, we anticipate no untoward effect on the privacy or personal rights of individuals.

Dated: December 1, 1981.

Robert Rubin,

Assistant Secretary for Planning and Evaluation.

Notification of New System of Records Required by the Privacy Act of 1974

09-90-0088

SYSTEM NAME:

National Long-Term Care Channeling Demonstration (NLTCCD) DHHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Mathematica Policy Research, Inc. (MPR), P.O. Box 2393, Princeton, New Jersey 08540. Channeling Agencies (See Appendix 2).

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

The system will include records on a sample of approximately 14,800 individuals in ten states who have signed an informed consent form and are participating in the National Long-Term Care Channeling Demonstration; and approximately 47,450 individuals who apply to receive channeling services but are found inappropriate for the intervention.

CATEGORIES OF RECORDS IN THE SYSTEM:

"Channeling" is a brokerage process through which elderly and multiply-impaired individuals are referred to receive needed services from two or more agencies. The ten channeling agencies (hereafter referred to as agency) will collect names, addresses, and interveiw information on functional disability and service needs of potential participants, and assign an identification number to each individual. For those individuals who are not appropriate for channeling, personal identifying information will be maintained at the agency. Interview data and a sequential identifier will be forwarded to the evaluation contractor. Appropriate channeling clients will be randomly assigned to treatment or control groups. All information concerning control group members will be forwarded to the evaluation contractor. All data collected by the agency on treatment group members will be maintained at the agency. Screening and non-clinical baseline interview data on treatment group members also will be forwarded with personal identifiers and field identifying numbers to the evaluation contractor. The evaluation contractor will augment the information provided by the agency with data collected from interviews, and from health and social service records.

Independently, the agency will develop hard-copy case records on treatment group members which contain detailed individual identifying data, clinical and other information required to develop care plans and coordinate services, and details of services ordered and utilized. The case records will be maintained up to seven years after an individual dies, withdraws voluntarily from the program, moves out of the area, ceases to be appropriate for channeling services, or is terminated because the project ends. A client tracking system which will include information on client identity and status, will be implemented at all sites. Information from this system will be shared with the evaluation contractor. A further system of records will be maintained at those sites deemed to follow the "complex channeling" model. At these sites, a financial tracking system, some parts of which identify clients either by name or other identifying information, will be implemented to monitor costs of services and to track service authorization and service use.

The evaluation contractor will collect and maintain data describing both individuals and facilities providing long-term care services. Data relating to individuals will include information collected by interview from the individual or his/her proxy and from families or informal care-givers: demographic and economic characteristics; health and functional status; service utilization; and out-of-pocket costs. In addition, utilization and cost data will be collected from Medicare and Medicaid claims and billing records and provider billings records. Individual identifiers will be names, addresses, and health insurance claim numbers for Medicare and Medicaid beneficiaries, as well as identifying numbers supplies by the evaluation contractor.

The use and maintenance of identifying numbers is discussed below in the section on retrievability.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 421 of the Older Americans Act, sections 1110, 1115, 1875, and 1881 of the Social Security Act, and sections 1526 and 1533(d) of the Public Health Service Act.

[1] The contractor will safeguard the identifiable data according to the Department's ADP Systems Manual, "Part 6, ADP System Security."

PURPOSE:

In 1980, the Department of Health and Human Services (DHHS) initiated the National Long-Term Care Channeling Demonstration to develop and test methods to maximize the efficient use of existing long-term care resources. The Office of the Secretary (Assistant Secretary for Planning and Evaluation), the Administration on Aging, and the Health Care Financing Administration jointly manage this demonstration.

This demonstration was developed in response to serious concern at all levels of government about the rapid increase in nursing home costs, fragmentation of the existing service system, and federal financial incentives for nursing home placement for elders.

This national demonstration and evaluation have been established to test a community care approach to long-term care called "channeling." Channeling provides a central intake point in the community for older persons; a systematic assessment of the individual's needs; and continuing case management to develop, implement, and monitor a plan of care tailored to the individual's changing needs. (The channeling objectives can be found in Appendix 1.)

The channeling concept will be implemented by a community agency in ten states participating in the demonstration. (See Appendix 2.) Two models of channeling will be tested; one which relies on services already existing in the community; and one with additional service resources and a fixed budget approach.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There will be two routine uses of information in the system. 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. In addition disclosure will be made to a contractor of AOA, HCFA or ASPE involved in the NLTCCD, for the performance of research and statistical activities in order to accomplish the purposes for which the records are collected.

STORAGE:

Magnetic tape and disk, paper and card records.

RETRIEVABILITY:

The channeling agencies will assign evaluation contractor-supplied field identifying numbers to each applicant's record. This field identifying number is used for data collection purposes only, and is readily linked by staff with a need-to-know to personal identifiers.

According to the path the individual follows, i.e., becoming a member of the research sample or not, and becoming a member of the treatment or the control group, separation of personal identifiers and descriptions of the individual will take place at different points. For applicants deemed inappropriate at the channeling agency, the record is retrievable only at the channeling agency, where records of these individuals and the agency to which they were referred will be maintained, but detailed information about the applicant will not be kept. For participants in the research sample, the record must remain retrievable for the duration of the research namely for the 18-month period of follow-up after application to channeling during which period individuals are re-interviewed, and for a subsequent period during which additional information is collected and merged with interview data. For treatment group members who are on the caseload of the channeling agency, the records must remain retrievable as long as the individual remains a client and for a period of up to seven years after that. At the research contractor, the data-collection (field) identifying number and any personal identifiers are removed from research files and replaced by a research-file identifying number. Thus, for data collection and validation purposes the "field" identifying number is used, and for file development and maintenance, the research-file identifying number is used. A master "link" file will be maintained which associates the two series of identifying numbers. Access to this file will be restricted to evaluation contractor staff who need to use the file to fulfill their professional duties.

SAFEGUARDS:

Channeling Agencies: Records will be kept in limited access areas. Records may only be accessed by agency personnel who need to know the contents of the records.

Mathematica Policy Research, Inc.: The evaluation contractor conforms to the DHHS ADP Systems Manual, "Part 6, ADP System Security." A system of separate identifiers is used to maximize security of records. Contact sheets with personal identifiers from interviews and abstracting forms are stored separately from non-individually identifiable data. Magnetic tape files and hard copy files with personal identifiers, and link files, are stored in locked cabinets or limited access areas. Research files are stripped of personal and field identifiers and are encoded with a distinct research identifier. Access to the linkages between identifiers is limited, and subject to the approval of the Project Director at Mathematica Policy Research, Inc.

MPR will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals.

RETENTION AND DISPOSAL:

As explained above, different types of data will be maintained and different retention periods will apply according to whether the applicant is found inappropriate or appropriate, and, if appropriate, whether a treatment or control group member. Treatment and control group members' identifying information will be maintained by MPR through completion of fielding operations in the demonstration, and for a period of three years to allow for future follow-up. The channeling agencies will maintain clinical records on treatment group members for up to seven years after a client is terminated from the program, and limited personal information for individuals found inappropriate for channeling.

Data disposal will consist of shredding the hard copy (and so certifying) and degaussing computer records. There are no plans to dispose of non-identifiable individual data.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue SW., Washington, D.C. 20201.

NOTIFICATION PROCEDURES:

Project Officer, National Long-Term Care Channeling Demonstration Evaluation, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, Room 433F.1, H.H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201. (202) 245-1794.

An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the government Project Officer, at the above address, indicating his/her full name, current address and any other addresses since January, 1962. The individual may simultaneously request record access as described below.

RECORD ACESS PROCEDURES:

Individuals who, through the notification procedures set out above, have established that the system of

records contains information pertaining to them, may request access to those portions of the records pertaining to them by writing the government Project Officer at the address given above. The government Project Officer will notify the individual as to the place and time for access to the record(s) or if the individual wishes, arrange for mailing the records.

CONTESTING RECORD PROCEDURES:

Contact the government Project Officer at the address given above, reasonably identify the record, specify the information being contested, and supply the substitute information.

RECORD SOURCE CATEGORIES:

Individual-specific information will be gathered through interviews with the clients and their families, from providers and from the Medicare and Medicaid claims systems. Information that pertains to the providers will be collected from demonstration files, and executive interviews with health and social services provider personnel.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix 1

The objectives of the channeling program are:

1. To marshal and direct long-term care resources in a community in ways that contain overall costs;
2. To increase access to a wider range of services than is currently available;
3. To match services used to the identified needs of clients;
4. To concentrate resources on those persons with the greatest need for long-term care;
5. To stimulate the development of needed in-home and community services which do not exist or are in short supply;
6. To reduce the unnecessary use of publicly-subsidized long-term care services, including costly medical and institutional services;
7. To promote efficiency and quality in community long-term care delivery systems;
8. To promote a reasonable division of labor between informal support systems (including families, neighbors, friends), privately-financed services and publicly-financed care; and
9. To maintain or enhance client outcomes, including physical and mental functioning and quality of life.

Appendix 2—Channeling Site Addresses

Florida: Barbara Brodbar, Channeling Director, Miami Jewish Home and Hospital for the Aged, 151 Northeast 52nd Street, Miami, Florida 33137

Kentucky: Shannon Bailey, Site Director, 742 High Street, Hazard, Kentucky 41701

Maine: Joyce Nye, Site Director, Southern Maine Senior Citizens, Inc., P.O. Box 4307, Portland, Maine 04101

Maryland: Betty Gordon, Channeling Project Director, C.A.R.E./Area Agency on Aging, 1114 Cathedral Street, Baltimore, Maryland 21201

Massachusetts: Marilyn Alex, Greater Lynn Senior Services, Inc., 25 Exchange Street, Lynn, Massachusetts 01902

New Jersey: George Legones, Site Director, County of Middlesex, Department of Human Services, 99 Bayard Street, P.O. Box 273, New Brunswick, New Jersey 08903

New York: Cynthia Finazzo, Channeling Director, Rensselaer County, Department for the Aging, 1700 Seventh Avenue, Troy, New York 12180

Ohio: Elaine Woloshyn, Channeling Site Director, Western Reserve AAA, Room 512, Marion Building, 1276 West Third Street, Cleveland, Ohio 44113

Pennsylvania: David Eisenberg, Philadelphia Corp. for Aging, 1317 Filbert Street, Philadelphia, Pennsylvania 19107

Texas: Nancy Wilson, Channeling Project Director, TRIMS Gerontology Center, 1300 Moursund Avenue, Houston, Texas 77030

[FR Doc. 81-34967 Filed 12-4-81; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Outer Continental Shelf; Certification Verification Agents; Cessation of Application Acceptance

AGENCY: U.S. Geological Survey (USGS), Department of the Interior.

ACTION: Notification of cessation of acceptance of applications for certified verification agents.

SUMMARY: Outer Continental Shelf (OCS) Order No. 8 requires the use of an approved Certified Verification Agent (CVA) in the design, fabrication, and installation of all new fixed or bottom-founded platforms or other structures on OCS leases subject to the Platform Verification Program. The receipt of applications from prospective CVA firms and individuals began in January 1980. Over the past 2 years, an approved list of qualified CVA's has been maintained by the Platform Verification Section of the Conservation Division's Branch of Offshore Field Operations. The list now contains over 30 approved CVA's for each of the three phases of assuring the structural integrity of offshore structures in frontier areas. In this time period, the services of only 19% of the approved CVA's for design and fabrication and 12% for installation have been contracted for by lessees proposing new platforms. Due to the number of existing approved CVA's and the degree of utilization of these qualified firms or individuals, the U.S. Geological Survey has concluded that additional applications are not necessary at this time to satisfy the third-party verification responsibilities. This temporary closing of the application period does not apply to the Arctic Area and the CVA responsibilities for new structures in that OCS area. Applications will continue to be accepted through February 1, 1982. Applications received after this date will be returned without prejudice. The interest in this program is greatly appreciated.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Prehoda, Branch of Offshore Field Operations, Conservation Division, 640 National Center, Reston, Virginia 22092, (703) 860-6831.

Dated: November 25, 1981.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 81-34975 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations, Outer Continental Shelf; ODECO Oil and Gas Co.

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that ODECO Oil & Gas Company, Unit Operator of the Ship Shoal Block 113 Federal Unit Agreement No. 14-08-001-2931, submitted on November 18, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the Ship Shoal Block 113 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metarie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local

governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: November 30, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-34974 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 30, 1981. Waiver of the 15-day public commenting period following this publication is necessary for the Alabama nomination(s) listed below in order for listing of eligible properties to be accomplished before December 31, 1981. Listing in the National Register by this date will enable property owners to take advantage of Alabama's Historic Preservation Authorities Act of 1979, (Act 79-441 and 80-366), which provides that owners of properties entered into the National Register of Historic Places be eligible for tax-exempt bond financing through locally established historic preservation authorities. Waiver of the public commenting period will allow timely listing which is necessary to aid in the preservation of these properties.

ALABAMA

Lauderdale County

Florence, *Martin, James, House*, 1400 Cypress Mill Rd.

Carol D. Shull,

Acting Keeper of the National Register.

[FR Doc. 81-35023 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Performance Review Board Appointments

AGENCY: Department of the Interior.

ACTION: Notice of changes in performance review board membership.

SUMMARY: This notice provides the names of replacement individuals to serve on two of the Department of the Interior Performance Review Boards. The publication of these appointments is required by Section 405(a) of the Civil Service Reform Act of 1978 (Pub. L. 95-454; 5 U.S.C. 4314(c)(4)).

DATE: These appointments are effective December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Morris A. Simms, Director of Personnel, Office of the Secretary, Department of the Interior, 1800 C Street, N.W., Washington, D.C. 20240; telephone number 343-6761.

Office of the Secretary PRB

William P. Horn (NC), Chairperson (replaces Stephen Shipley as Chairperson)
Stephen Shipley (NC)
Douglas P. Baldwin (NC)
Newton Frishberg (Career)
John Fulbright (Career)
Derrell P. Thompson (Career, Field)
Diane K. Morales (NC)

Assistance Secretary—Policy, Budget and Administration PRB

Richard R. Hite (Career), Chairperson
Morris A. Simms (Career)
Alan Powers (Career)
Joseph Doddridge (Career) (new appointee)

November 20, 1981.

Richard R. Hite,

Deputy Assistant Secretary—Policy, Budget and Administration.

[FR Doc. 81-34998 Filed 12-4-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[I.C.C. Order No. P-37]

Atchison, Topeka & Santa Fe Railway Co.; Passenger Train Operation

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois and Oakland, California. The operation of these trains requires the use of the tracks and other facilities of Burlington Northern Railroad (BN). A portion of the BN tracks between Galesburg and Chicago, Illinois, are temporarily out of service because of a derailment. An alternative route is available via The Atchison, Topeka and Santa Fe Railway Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided October 30, 1981, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Burlington Northern Railroad, (BN) at Galesburg, Illinois, and Chicago, Illinois.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though now agreements or arrangements no exists between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:00 noon, November 16, 1981.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m. November 18, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 81-34960 Filed 12-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 204]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: November 30, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part

1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of undly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 9644 (Sub-12)X, filed November 2, 1981. Applicant: HAYES TRUCK LINE, INC., 1410 Intercity Trafficway, Kansas City, MO 64101. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. (A) Lead and Sub-Nos. 2, 3G, 4, 5, and 6 certificates and E-letter notice Sub-E1, remove all restrictions in the general commodities authorizations except "Classes A and B explosives, commodities in bulk, and household goods"; (B) Sub-Nos. 4 and 5, authorize service at all intermediate points in connection with regular-route service; (C) Sub-No. 4, broaden off-route points to countywide: Gage, Saline and Lancaster Counties, NE (Clatonia, DeWitt, Roca, Martell, Sprague, Hallam, Denton, and Kramer, NE), and Douglas and Sarpy Counties, NE and Mills and Pottawattomie Counties, IA (Council Bluffs, IA); and (D) broaden irregular-route points to countywide: Sub-Nos. 2, 3G, and E1, Wyandotte, Johnson and Leavenworth Counties, KS and Cass, Jackson, Clinton, Clay and Platte Counties, MO (Kansas City, KS/MO, North Kansas City, MO, and points within 15 miles of the named points).

MC 25255 (Sub-4)X, filed November 16, 1981. Applicant: LEE ROY HEERMAN, d.b.a. COIN TRANSFER, P.O. Box 296, Coin, IA 51636. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Subs 2 and 3: broaden (1) bearings and (2) materials, equipment and supplies used in the manufacture, sale and distribution of bearings (except commodities in bulk), to "machinery" in Sub 2; general commodities, with exceptions to "general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)" in Sub 3; remove originating at/destined to restriction in Sub 2; broaden: to all intermediate points in Sub 3; Clarinda, IA to Page County, IA in Sub 2; points within 25 miles of Stanton, IA to Fremont, Page, Taylor, Adams, Montgomery, Mills, Pottawattamie and Cass Counties, IA in Sub 3; and to radial authority in those Subs.

MC 29849 (Sub-4)X, filed November 19, 1981. Applicant: EXCHANGE FURNITURE FORWARDERS, INC., 1601 Willow Avenue, Hoboken, NJ 07030. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640. Lead and Sub-3: (1) broaden commodity descriptions (a) radiator enclosures to "metal products, textile mill products, and lumber and wood products" in the lead; (b) new furniture to "furniture and fixtures" in the lead and Sub-3; (c) oil heaters and parts for oil heaters to "metal products and machinery" in the lead; (2) broaden territorial description: Mount Vernon to Westchester County, NY, in the lead and Sub-3; and Hartford to Hartford County, CT, in the lead; (3) eliminate facilities limitation in Sub-3; (4) change one-way to radial authority; and (5) remove the restriction against traffic having a prior movement by rail or motor carrier in Sub-3.

MC 52022 (Sub-17)X, filed November 20, 1981. Applicant: SANTINI BROS., INC., 1405 Jerome Avenue, New York, NY 10452. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Avenue NW., Washington, DC 20036. Sub-No. 13F, broaden to "transportation equipment," from used automobiles, in truckaway service.

MC 52979 (Sub-26)X, filed February 17, 1981, previously noticed in the **Federal Register** of March 6, 1981, republished as follows: Applicant: HUNT TRUCK LINES, IC., West High St., Rockwell City, IA 50579. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its irregular-route authority in lead and Sub-Nos. 2, 3, 8, 14, 18, 20, and 21 certificates, and regular-route authority in Sub-Nos. 3, 8, and 17 certificates. This Board previously broadened these certificates, but failed to broaden some cities and their commercial zones in applicant's irregular-route authority to counties. Applicant appealed. The Commission, in accordance with the decision in No. MC–38400 (Sub-No. 8)X, *Hitchock Bros. Administrative Appeal* (not printed) served May 19, 1981, the Board was instructed to republish. Notice is hereby given that applicant seeks to broaden in the lead, from East Moline, IL, to all counties which the commercial zone of East Moline touches upon including Scott County, IA, and Henry County, IL, from Peoria, IL, to all counties which the commercial zone of Peoria, touches upon including Tazewell County, IL, from Independence, MO, to all counties which the commercial zone of Independence, touches upon including Clay County, MO, from St. Paul, MN, to all counties which the commerical zone of St. Paul touches upon including Anoka and Hennepin Counties, MN, from St. Cloud, MN to all counties which the commercial zone of St. Cloud touches upon including Sherburne and Benton Counties, MN, from South St. Paul, MN, to all counties which the commercial zone of South St. Paul touches upon including Ramsey and Washington, MN.

MC 73081 (Sub-4)X, filed November 19, 1981. Applicant: ANYTIME DELIVERY SYSTEMS, INC., 375 Western Highway, Tappan, New York 10983. Representative: Wayne Hartke, 7637 Leesburg Pike, Falls Church, VA 22043. Sub 1F, remove "in expedited service, *restricted however*, to shipments delivered within 24 hours of pickup", on general commodities (with the usual exceptions) authority, between points in 12 States and DC.

MC 80289 (Sub-16)X, filed November 13, 1981. Applicant: RED LINE FURNTIURE CARRIERS, INC., 110 First Street, Jersey City, NJ 07302. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Lead certificate. Broaden (1) from new furniture and furniture to "furniture and fixtures"; (2) to radial authority; and (3) change Oakmont, PA to Allegheny County, PA.

MC 102401 (Sub-29)X, filed November 9, 1981. Applicant: TAYLOR HEAVY HAULING, INC., P.O. Box 2707, South Bend, IN 46680. Representatives: Norman R. Garvin, Andrew K. Light, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Lead and Subs 3, 6, 7, 8, 9, 11, 13, 15, 17, 19, 20, 22, 23, 24F, 26, 27, and 28, broaden to (1) (a) "metal products" from aluminum sash and frames, lead; iron and steel articles, Sub

11; corrugated steel pipe, circular piling, and fittings, attachments and accessories, Sub 13; powdered aluminum and powdered aluminum blends, Sub 22; machinery and steel shot, Sub 23; iron and steel articles, Sub 24F; and materials, equipment and supplies used in the manufacture of steel articles, Sub 26; (b) "commodities, which because of their size or weight require the use of special handling or equipment" from insulated pipe, manhole conatainers and fittings, and attachments and accessories which because of their size or weight require the use of special equipment or special handling, Sub 19; (c) "machinery and commodities, which because of their size or weight require the use of special handling or equipment" from heavy machinery, contractors' equipment, materials, and supplies, and commodities requiring special equipment and special handling, lead; road construction and earth moving machines and equipment, Sub 3; tractors and parts, Sub 7; self-propelled articles, each weighing 15,000 pounds or more, Sub 8; and self-propelled road construction and earth moving machines and equipment, each weighing 15,000 pounds or more, Sub 20, (d) "building materials" from building modules, Sub 15, and from brick, Sub 6, (e) "clay, glass, concrete, or stone products" from pre-cast forms, Sub 17, (f) "general commodities (except Classes A and B explosives)" from general commodities (except motor vehicles and motor vehicle cabs and bodies and except Classes A and B explosives), Sub 9; and (g) "waste and scrap materials" from scrap aluminum, Sub 22; and materials, equipment and supplies used in the manufacture of rubber scrap, Sub 27; (2) remove facilities limitation in (a) Sub 11, and replace (b) South Bend, IN with St. Joseph County, IN, Subs 17, 13 and 24; (c) Mishawaka, IN with St. Joseph County, Subs 15 and 23, (d) Portage, WI with Columbia County; Alma, MI with Gratiot County and Middleton, OH with Butler County, Sub 13 and (e) Plymouth, IN with Marshall County, Sub 22; (3) (a) lead, and Sub 19, Niles, MI to Cass County, (b) Sub 3, South Bend, IN to St. Joseph County, (c) Sub 6, Danville, IL to Vermilion County, and (d) Subs 7 and 20, Springfield, IL to Sangamon County; (4) remove "Mercer Commodities" restriction, Sub 11; (5) remove mixed loads, moving on single bill of lading from single consigner, originating at/destined to, in bulk, in tank vehicles, the minimum weight requirement, size and weight and commodities transported on trailers restrictions in various subs; (6) remove restriction on shipments to South Bend, IN limited to named purposes, Sub 3, and (7) to radial authority in lead, Subs 6, 11, 13, 15, 17, 20, 22, 23 and 24.

MC 113300 (Sub-14)X, filed November 6, 1981. Applicant: WILLIAM T. HERRON TRUCKING, INC., P.O. Box 424, Marietta, OH 45750. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Lead and Sub-Nos. 4, 6, 10, and 12F certificates, (A) broaden to "commodities in bulk" from coal, in bulk, and such commodities as are susceptible of being unloaded by dumping (lead): from stone, soil, sand, slag, gravel, cinders, limestone, concrete, fertilizer, road building materials, construction materials, and coal (Sub-No. 4): from coal (Sub-Nos. 6 and 10): and from lime (Sub-No. 12); (B) substitute radial service in place of one-way service; and (C) remove "in dump vehicles" restriction.

MC 117565 (Sub-105)X, filed October 22, 1981, previously noticed in the Federal Register of November 10, 1981, republished as follows: Applicant: MOTOR SERVICE COMPANY, INC., P.O. Box 448, Coshocton, OH 43012. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. Sub-No. 82, broaden facilities at or near New Orleans, LA to Orleans, Lafourche, Jefferson, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany and Tangipahoa Parishes, LA and Hancock County, MS. The purpose of this correction is to add Hancock County to the territorial description.

MC 119567 (Sub-20)X, originally published August 25, 1981, republished this issue to correct an error. Applicant: EMPIRE TRANSPORT, INC., 2007 Overland Rd., Boise, ID 83705. Representative: Timothy R. Stiver, P.O. Box 1576, Boise, ID 83701. Lead and Subs. 1, 5, 7, 10, 14, 16, 17F and 19F as previously noticed and, in addition, to broaden (1) lead, Boise, ID to Ada County; Hood River, The Dalles, La Grand, Baker, Pondosa, and Dee, OR to Hood River, Wasco, Union and Baker Counties, Longview and Kelso, WA to Cowlitz County and Enterprise, Bend, Burns, John Day, Wallowa and Elgin, OR to Deschutes, Grant, Harney, Union, and Wallowa Counties; Pondosa, Dee, La Grande, Baker, Union, Redmont and Eugene, OR and points within 5 miles thereof to Baker, Deschutes, Lane and Union Counties; points more than one mile but not more than 5 miles of La Grande, The Dalles and Baker, OR to Baker, Union and Wasco Counties; White Salmon and Vancouver, WA and points within 10 miles of Vancouver to Clark and Klickitat Counties and Klamath Falls, Lakeview, Burns, Joseph Enterprise, Wallowa and Elgin, OR and points within 5 miles thereof to Harney, Klamath, Lake, Union and Wallowa Counties; points within 5 miles of, but not including Bend, Hood River, Elgin, Burns, Wallowa, Enterprise, and The Dalles, OR to Deschutes, Harney, Hood River, Union, Wallowa and Wasco Counties; Etna, WY and points within 15 miles thereof to Lincoln and Teton Counties, WY, (2) Subs 5, 7 Boise, ID to Ada County, and (3) Sub 10, Inkom; ID to Bannock County, ID.

MC 120761 (Sub-77)X, filed October 30, 1981. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Rd., P.O. Box 18728, Fort Worth, TX 76114. Representative: Clint Oldham, 823 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Sub-Nos. 4, 19, 21, 47F and 69, broaden (1)(a) from pipe when moving as oilfield equipment, oilfield equipment, other than pipe, and pipe, trenching machines, tractors, drag lines, back fillers, caterpillars, road building machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote, and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition or corrugated), punches, presses, iron and steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron and steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, ice making, air conditioning, baker, bottling, gin, crushing, dredging, mill brewery, textile, water plant and wire covering, twisting or laving, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment to "machinery, equipment, metal products, articles which because of size or weight require the use of special equipment, Mercer commodities and pipe" in Subs 4 and 21; (b) from earth drilling machinery

and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at wells or hole sites, and the injection or removal of commodities into or from holes or wells, to "machinery, equipment and metal products" in Subs 19 and 47F; and (2) to remove restrictions: "except the stringing and picking up of pipe in connection with main or tank pipelines", "in connection with main or trunk pipelines", and "other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way" in Sub-Nos. 21 and 69.

MC 124062 (Sub-21)X, filed November 10, 1981. Applicant: FRICK TRANSPORT, INC., Wawaka, IN 46794. Representative: Donald Smith, P.O. Box 40248, Indianapolis, IN 46240. Lead and Subs-2, 6, 10, 11, 12, 14F, 15F, 16F, 17F, and 20F certificates. Broaden (1) to "chemicals and related products", from fertilizer, dry fertilizer and materials, in bags, liquid caustic soda, liquid fertilizer mix (exceptions), etc. . . ., lead and all Subs; (2) to radial authority, lead and all Subs (except Sub-20F); (3) change: Wawaka to Noble County, IN, Sub-2; facilities at Joliet to Will County, IL, Sub-6; Lockland to Hamilton County, OH, Sub-10; Greenwood to Johnson County, IN, Sub-12; Burns Harbor to Porter County, IN, Subs 14F and 16F; Watseka to Iroquois County, IL, Sub-15F; Lemont to Cook County, IL, Sub-16F; and Yodar to Allen County, IN and Lima to Allen County, OH, Sub-17F; and (4) remove: originating at and destined to restriction, Sub-17F; and in containers, in bulk, in tank, and hopper-type vehicles restrictions, Subs-2, 11, 12, 14F, 15F, 16F, and 17F; except dry fertilizer in bulk, in lead.

MC 124174 (Sub-187)X, filed October 29, 1981. Applicant: MOMSEN TRUCKING CO., 2045 Hiway Blvd., Spencer, IA 51301. Representative: Raymond A. Jensen, 13811 "L" Street, Omaha, NE 68137. Sub-No. 176, broaden part (1) to "food and related products" from hides and chromes, and part (2) to "materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above" from tannery byproducts, and materials, equipment and supplies.

MC 124328 (Sub-145)X, filed November 19, 1981. Applicant: BRINK'S, INCORPORATED, Thorndal Circle, Darien, CT 06820. Representative: Chandler L. Van Orman, 1729 H St., N.W., Washington, DC 20006. Subs 64 and 113 permits: (A) Remove the restriction prohibiting the transportation of traffic between named points, Sub-64; and (B) Broaden to "between points in the U.S.," under continuing contract(s) with named classes of shippers, both Subs.

MC 124718 (Sub-1)X, filed August 24, 1981, previously notice in the Federal Register of September 18, 1981, republished as follows: Applicant: REISING BROTHERS, INC., P.O. Box 5, 54 Hungry Harbor Road, Valley Stream, NY 11582. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048–0640. Lead certificate: This Board previously broadened the commodity description, eliminated a containers restriction, and authorized radial authority. Applicant also requested city-wide authority for two counties in New York, this segment was not published. A decision in No. MC–152318 (Sub-No. 3)X *Atlantic Truck Lines, Inc.—Administrative Appeal*, (not printed), served September 28, 1981, instructed Board to republish. Notice is hereby given that applicant seeks to expand Kings and Queens Counties, NY to New York City, NY.

MC 124774 (Sub-144)X, filed November 9, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Subs 110F, 113F and 126F certificates: (A) broaden (1) from (a) drugs, feed and feed supplements, to "chemicals and related products and food and related products", Sub-110F; (b) iron and steel articles to "metal products", Sub 113F; and (c) toilet preparations to "chemicals and related products", Sub-No. 126F; (2) to countywide authority: (a) Rockland County, NY, and Bergen County, NJ (Pearl River, NY), Sub-110F; and (b) Morris County, NJ (facilities Morristown), Sub-126F; (B) remove "facilities" restriction, Sub-113F; and (C) broaden to radial authority, all Subs.

MC 129927 (Sub-7)X, filed November 16, 1981. Applicant: JAMERSON BROTHERS TRUCKING CO., INC., Route 3, Box 75, Appomattox, VA 24522. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. (1) Broaden lead and Sub-Nos. 1 and 4 permits to "between points in the U.S. (except AK and HI)," under continuing contract(s) with named shippers; (2) broaden (a) lead permit to "lumber and wood products," from lumber, except plywood and veneer; and (b) Sub-No. 1 to "furniture and fixtures," from new furniture in containers or in trailers; and (3) remove the restriction limiting transportation of shipments to that having a prior or subsequent movement by rail or water, in Sub-No. 1.

MC 133666 (Sub-34)X, filed November 18, 1981. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue, South, Wheaton, MN 56296. Representative: Thomas J. Burke, Jr., 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Subs 10, 17, 19 and 22F, certificates and MC–150780F permit. Broaden: Subs 10, 22, from liquefied petroleum gas; Subs 17, 19, from anhydrous ammonia; in permit, from road asphalt, road oils, and fuel oils, (all in bulk, in tank vehicles), to "commodities in bulk"; Sub 10, Rosemount facility to Dakota County, MN; Sub 17, Dilworth facility to Clay County, MN; Sub 19, facilities at: Spencer and Holstein to Clay and Ida Counties, IA; David City to Butler County, NE; Sub 22F facilities at: Milford to Koscuisko County, IN; New Hampton to Chickasaw County, IA; Benson to Swift County, MN; Carrington to Foster County, ND; in all certificates to radial; permit, to between points in U.S. under continuing contract(s) with named shipper.

MC 133735 (Sub-16)X, filed November 13, 1981. Applicant: AUDUBON-BROOKHISER TRANSPORT, INC., P.O. Box 186, Wever, IA 52658. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Sub-Nos. 3, 5F, 7F, 8F, 9F, 10F, 12F, and 14F (1) remove the "facilities of" restrictions in Sub-Nos. 3, 5F, 7F, 8F, 10F, 12F, and 14F; (2) authorize radial authority in all authorities; (3) broaden from liquid animal feed and liquid animal feed ingredients to "food and related products" in Sub-No. 3; from fertilizer to "chemicals and related products" in Sub-No. 5F; from corn products, corn products and soybean meal to "food and related products" and from corn products, fertilizers, and calcium chloride to "food and related products and chemicals and related products" in Sub-No. 7F; from fertilizers to "chemicals and related products" in Sub-No. 8F; from liquid fertilizer to "chemicals and related products" in Sub-No. 9F; from caustic soda, steepwater, and corn products to "food and related products" in Sub-No. 10F; from liquid fertilizer to "chemicals and related products" in Sub-No. 12F; and corn products to "food and related products" in Sub-No. 14F; (4) eliminate

the "in bulk" restriction in Sub-Nos. 7F, 9F, and 14F and eliminate the "in bulk, in tank vehicles" restriction in Sub-Nos. 10 and 12; and (5) replace points with county-wide authority, Audubon County, IA, for Audubon, IA in Sub-No. 3; Lee County, IA, and Hancock County, IL, for Fort Madison, IA in Sub-Nos. 5F, 8F, and 12F; Lee County, IA, Hancock County, IL and Clark County, MO, for Keokuk, IA and Scott County, IL for Naples, IL, in Sub-No. 7F; Cook County, IL for Lemont, IL; Lee County, IA, Hancock County, IL, and Clark County, MO for Keokuk, IA; and Onondaga, Madison, and Oswego Counties, NY, for Syracuse, NY, in Sub-No. 10F; Des Moines County, IA and Henderson County, IL for Burlington, IA, in Sub-No. 9F; and Lee County, IA, Hancock County, IL and Cook County, MO, for Keokuk, IA, in Sub-No. 14F.

MC 135971 (Sub-5)X, filed November 20, 1981. Applicant: SOLIVRAC SERVICES, INC., 90 du Sous Bois, Beauport, Quebec, Canada GIE 5Z6. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. (1) Sub-Nos. 2 and 3F certificates, broaden to "clay, concrete, glass or stone products," from cement, in bulk; and (2) change one-way service to radial service.

MC 139697 (Sub-9)X, filed November 12, 1981. Applicant: WAGONER TRANSPORTATION COMPANY, INC., P.O. Box 2975, South Bend, IN 46680. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Lead, Subs 4F and 6F, broaden: all authorities to between points in the U.S. under continuing contract(s) with named shippers; lead, from lawn and garden tractors to "machinery"; Subs 4, 6, from (1) foodstuffs to "foods and related products," remove: in bulk restriction in lead, Sub 4; and restriction against size/weight commodities in Sub 4.

MC 142364 (Sub-53)X, filed November 5, 1981. Applicant: KENNETH SAGELY TRUCKING CO., P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702. (1) Broaden commodities to: (a) Sub-Nos. 5 and 35, "food and related products," from foodstuffs, except frozen, in containers; (b) Sub-Nos. 9 and 10, "metal products," from iron, steel, zinc, and lead articles, except in bulk; and from rough castings, and finished wheels, brake drums and hubs, and assembles; (c) Sub-No. 16, "paper and paper products" from such commodities as are dealt in or used by manufacturers and converters of paper and paper products, except in bulk; (d) Sub-No. 34, "paper and paper products", from non-corrugated pulpboard; and (e) Sub-Nos. 30, 43, 45, and 46, delete "except frozen," "except in bulk," and "in container" restrictions; (2) Sub-Nos. 5 and 16, remove "originating at and destined to" restrictions; (3) broaden named facilities and points to countywide: Sub-No 5, Newton County, MO (facilities near Neosho), and Shelby County, TN (Memphis); Sub-No. 9, Cook and Will Counties, IL (facilities at Blue Island and Joliet), Allen, Elkhart, Hamilton and Howard Counties, IN (Cicero, Elkhart, Fort Wayne, and Kokomo), Harvey County, KS (Newton), Hinds County, MS (Jackson), and Franklin and Lucas Counties, OH (Columbus and Toledo); Sub-No. 10, Boone County, IN (Lebanon), Hamilton County, TN (Chattanooga), and Benton County, AR (Siloam Springs); Sub-No. 30, Harris County, TX (facilities near Houston); Sub-No. 34, Jasper County, TX (facilities near Evadale); Sub-No. 35, Washington County, MS (facilities near Greenville); Sub-No. 37, Newton County, MO (facilities near Neosho); Sub-No. 43, Hancock and Pleasants Counties, WV (Congo, Farmers Valley, and St. Marys), Warren County, MS (Vicksburg), and McKean and Warren Counties, PA (Warren); Sub-No. 45, Fulton County, GA (facilities near Atlanta), and Clay County, MO (facilities near Kansas City); and Sub-No. 46, Pottawatomie County, OK (facilities near Shawnee); and (4) authorize radial service in place of one-way.

MC145559 (Sub-16)X, filed November 18, 1981. Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 28, Ider, AL 35981. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub 3F certificate: Broaden to (1) "textile mill products" from yarn; (2) county-wide authority: Marshall, DeKalb and Etowah Counties, AL (facilities-Boaz and Guntersville); and (3) radial authority.

MC 146163 (Sub-3)X, filed November 9, 1981. Applicant: E. FEDDLER & SONS, INC., 21827 Austin Street, Lowell, IN 46356. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. Sub 2F broaden: (1) by removing "originating at and destined to" and in bulk restrictions; (2) from sand to "ores and minerals"; and (3) to radial authority.

MC 146194 (Sub-8)X, filed November 17, 1981. Applicant: M.T.S. TRUCKING, INC., 113 Center Street, Jackson, MN 56143. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. Subs 2F, 4F, 5F and 7F: (1) broaden hides, tankage and hides and pelts green or salted to "food and related products"; (2) remove facilities and bulk restrictions; (3) broaden Esterville, to Emmet County, IA; Kansas City, MO to Jackson, Clay, Platte and Cass Counties, MO, and Wyandotte, Leavenworth and Johnson Counties, KS; Sioux Falls, SD to Minnehaha and Lincoln Counties, SD and Lyon County, IA; and (4) expand one-way to radial authority.

MC 146798 (Sub-7)X, filed November 17, 1981. Applicant: SULLIVAN TRUCKING, INC., 1340 Umatillo Street, Denver, CO 80204. Representative: Leslie J. England, Suite 330, 50 South Steele St., Denver, CO 80209. (1) Sub-No;. 2F certificate, broaden to "food and related products," from malt beverages; and (2) Sub-No. 4F, broaden plantsite and points to countywide: Denver County, CO (facilities near Denver), and El Paso County, TX (El Paso).

MC 147451 (Sub-5)X, filed November 17, 1981. Applicant: RAY J. FORNEY, INC., P.O. Box 207, Ashton, IL 61006. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Lead, Subs 1F and 3F, Broaden: (1) glass products, metal products, plastic products, clay and clay products, feldspar, and talc, (2) molds and machinery used in the manufacture of glass products, (3) bottle coating systems, (4) parts and accessories for these commodities, to "clay, concrete, glass or stone products, metal products, rubber and plastic products, ores and minerals, and machinery" in lead and Sub 1; (1) glass, metal, plastic, paper, wax, clay, feldspar, wood products, foodstuffs, antipollution and biochemical apparatus, products used in radiological research, organic chemistry kits, talc, candles, pottery, chinaware, ceramics, gift items, and materials and supplies used in the repair and maintenance of boats, (2) machinery, parts and accessories for these commodities to "general commodities (except Classes A and B explosives and household goods as defined by the Commission) in Sub 3F; Flat River facility to St. Francois County, MO in lead, Centralia facility to Marion County, IL in Sub 1F; remove facilities restriction in Cumberland, Ocean, Atlanta, Gloucester, Mercer, Salem, Camden and Cape May Counties, NJ, in Sub 3F; remove except in bulk restrictions in lead and Subs 1F and 3F.

MC 149504 (Sub-1)X, filed November 18, 1981. Applicant: WADDELL TRANSFER, INC., P.O. Box 168, Atkin, VA 24311. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Lead certificate and MC-119435 Sub-6F permit. Broaden (1)(a) moulding and cabinet parts to "building

materials", and (b) to radial authority, lead certificate; and (2)(a) remove commodities in bulk, in tank vehicles exception and (b) broaden to between points in the United States, under continuing contracts(s) with named shipper, Sub-6F permit.

MC 150993 (Sub-2)X, filed November 13, 1981. Applicant: NATIONWIDE EXPRESS, INC., P.O. Box 1067 Shelbyville, TN 37160. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Sub 1F: (1) broaden (a) alcoholic beverages and materials and equipment to "food and related products, and materials and supplies"; (b) fabrics, clothing and materials and equipment to "textile mill products, and materials and suplies"; and (c) school and office supplies to "such commodities as are dealt in manufactured and sold by manufacturers and distributors of writing instruments, stationery, and other types of office and school supplies"; and (2) change cities to counties: Shelbyville, TN (Bedford County), Lewisburg, TN (Marshall County), and Lynchburg, TN, (Moore and Lincoln Counties).

[FR Doc. 81-34998 Filed 12-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Applications

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office 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 ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-170

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 159411 (Sub-1-1TA), filed November 24, 1981. Applicant: JERRY GRASSO & SON, INC., Western Avenue, P.O. Box 254, Marlboro, NY 12542. Representative: John L. Alfano, Esq., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier:* irregular routes: *Fruit juices, in containers* from Highland, NY to Windsor Locks, CT, Boston, MA, Elizabeth and Woodbridge, NJ, and Farmingdale, NY under continuing contract(s) with Costa Apple Products, Inc., of Highland, NY. Supporting shipper: Costa Apple Products, Inc., South Road, Highland, NY 12528.

MC 22139 (Sub-1-1TA), filed November 23, 1981. Applicant: ROBERT F. ZAPORA, d.b.a. R. R. ZAPORA MOTOR TRANS., 22 Auburn Road, Manchester, NH 03104. Representative: George F. Govin, Mgr. (same as applicant). *Granular activated carbon* between points in ME, NH, VT, MA, RI, and CT. Supporting shipper: Manchester Water Works, 281 Lincoln Street, Manchester, NH 03103.

MC 140950 (Sub-1-2TA), filed November 23, 1981. Applicant: BROOKVILLE TRANSPORT, LIMITED, 1170 Old Rothesay, St. John, New Brunswick, CD. Representative: John C. Lightbody, Exq., Murray, Plumb & Murray, 30 Exchange Street, Portland, ME. *Contract carrier:* irregular routes: *Beer* from points on the U.S./CD Border at Houlton and Calias, ME, Detroit, MI, and Buffalo, NY to points in the U.S. under continuing contract(s) with All Brand Importers, Inc., Lake Success, NY. Supporting shipper: All Brand Importers, Inc., One Hollow Lane, Lake Success, NY 11042.

MC 150987 (Sub-1-7TA), filed November 23, 1981. Applicant: DOWN EAST TRUCKING, INC., MRC 156, Bangor, ME 04401. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Lumber and wood products,* between ME, on the one hand, and, on the other, points in the U.S. located in and east of MN, IA, MO, AR, and LA. Supporting shipper(s): Sunset Transfer, P.O. Box 347, Monson, MA 01057; Nutmeg Forest Products, P.O. Box 689, Fairfield, CT 06430; Lumber Sales Management Corp., P.O. Box 401, Needham, MA 02192.

MC 138828 (Sub-1-1TA), filed November 24, 1981. Applicant: MAPLEWOOD EQUIPMENT COMPANY, 419 Anderson Avenue, Fairview, NJ 07022. Representative: James R. Zazzali, Atty. Gen., John F. Ward, Dep. Atty. Gen., McCarter Highway and Market Street, P.O. Box 10009, Newark, NJ 07101. *Common carrier:* regular routes: *Passengers and their baggage, and express, in the same vehicle with passengers,* (1) Between Butler, NJ and Wayne, NJ, serving all intermediate points: From jct. NJ Hwy 23 and Kiel Avenue, Butler, NJ over NJ Hwy 23 to jct. NJ Hwy 23 and Black Oak Ridge Road, Wayne, NJ and return over the same route; (2) Between Riverdale, NJ and Pompton Lakes, NJ, serving all intermediate points: From jct. Newark-Pompton Turnpike and Paterson-Hamburg Turnpike, Riverdale, NJ, thence over Paterson-Hamburg Turnpike to jct. Wanaque Avenue, thence over Wanaque Avenue to jct. Colfax Avenue, thence over Colfax Avenue to jct. Lakeside Avenue, thence over Lakeside Avenue to jct. Wanaque Avenue, thence over Wanaque Avenue to jct. Colfax Avenue, Pompton Lakes, NJ and return over the same route; (3) Between points in Wayne, serving all intermediate points: From jct. Black Oak Ridge Road and Newark-Pompton Turnpike, thence over Newark-Pompton Turnpike to jct. NJ Hwy 23, and return over the same route; (4) Between points in Wayne, NJ and Hackensack, NJ serving all intermediate points, and serving the junction of Interstate Hwy 80, and NJ Hwy 17 for joinder purposes; from jct. of Paterson-Hamburg Turnpike and Valley Road, Wayne, NJ, thence over Valley Road, French Hill Road, Riverview Drive to jct. U.S. Hwy 46, thence over U.S. Hwy 46 to jct. NJ Hwy 23, thence over NJ Hwy 23 to jct. Interstate Hwy 80, thence over Interstate Hwy 80, to jct. of NJ Hwy 17, Hackensack, NJ and return over the same route; (5) Between points in Totowa, NJ, serving all intermediate points: From jct. Riverview Drive and Minnisink Road, over Minnisink Road, Furler Street, and Union Blvd. to jct. Interstate Hwy 80 and return over the same route; (6) *Passengers and their*

baggage, and express, in the same vehicle with passengers between Pompton Lakes, NJ and Oakland, NJ, serving no intermediate points, except for joinder at the jct. of Skyline Drive and West Oakland Avenue in Oakland, NJ, from jct. Wanaque Avenue and Colfax Avenue, Pompton Lakes, NJ, thence over Colfax Avenue, West Oakland Avenue to jct. West Oakland Avenue and Skyline Drive, Oakland, NJ and return over the same route. Applicant proposes to join the above-described routes with its existing authorized routes. Supporting shipper(s): There are 34 statements in support of this application that may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 159409 (Sub-1–1TA), filed November 24, 1981. Applicant: CHARLES F. BONANNO, 264 North Brow Street, East Providence, RI 02914. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852. *Plastic medical parts,* between places in Worcester, MA and places in Providence, RI. Supporting shipper: Waz Industries, Inc., 288 Kinsley Ave., Providence, RI.

MC 3647 (Sub-1–1TA), filed November 23, 1981. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, NJ 07040. Representative: James R. Zazzali, Atty. Gen., John F. Ward, Dep. Atty. Gen., McCarter Highway and Market Street, P.O. Box 10009, Newark, NJ 07101. *Common carrier:* irregular routes: *Passengers and their baggage, and express, in the same vehicle with passengers,* (1) Between Pompton Lakes, NJ and Wayne, NJ, serving all intermediate points: From jct. Wanaque Avenue and Colfax Avenue, Pompton Lakes, NJ, thence over Colfax Avenue to jct. Lakeside Avenue, thence over Lakeside Avenue to jct. Wanaque Avenue, thence over Wanaque Avenue to jct. Paterson-Hamburg Turnpike, thence over Paterson-Hamburg Turnpike to jct. Valley Road, thence over Valley Road to jct. Ratzer Road, Wayne, NJ and return over the same route; (2) Between points in Wayne, NJ serving all intermediate points: From jct. Paterson-Hamburg Turnpike and Black Oak Ridge Road,thence over Black Oak Ridge Road, to jct. NJ Hwy 23, thence over NJ Hwy 23 to jct. J.S. Hwy 46, and return over the same route. Applicant proposes to join the above described routes with its existing authorized routes. Supporting shipper(s): There are 36 statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 156511 (Sub-1–2TA), filed November 25, 1981. Applicant: ANTHONY J. ULGIATI, d.b.a. A. J. TRANSPORTATION, 24 Lincoln Avenue, Rochester, NY, 14611. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Metal Products, in bulk, including Aluminum Shot,* between Monroe County, NY, on the one hand, and, on the other, Porter County, IN. *Materials, equipment and supplies, in bulk, including Flux, used in the manufacturing, sale and distribution of metal Products,* between Belmont, Butler, Cuyahoga and Medina Counties, OH, on the one hand, and, on the other, Monroe County, NY. Supporting shipper: Rochester Smelting & Refining Co., Inc. 26 Sherer St. Rochester, NY 14611.

MC 29613 (Sub-1–1TA), filed November 19, 1981. Applicant: JAYNE'S MOTOR FREIGHT, INC., 860 North Avenue, Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are used or dealt in motor vehicles, agricultural equipment, construction equipment, and lawn and leisure products,* between the facilities of International Harvester Company, at Baltimore, MD, on the one hand, and, on the other, the facilities of Jayne's Motor Freight, Inc., at Red Lion, NJ for distribution to points in NJ, NY, PA, and CT. Supporting shipper: International Harvester Company, 401 N. Michigan Ave., Chicago, IL 60611.

MC 143214 (Sub-1–1TA), filed November 25, 1981. Applicant: MATUSZKO TRUCKING, INC., 19 Ball Lane, North Amherst, MA 01059. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives and hazardous waste)* between points in Franklin and Hampshire Counties, MA, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with All Freight Distributors, Inc. of Sunderland, MA. Supporting shipper: All Freight Distributors Inc., 11 Nebo Road, Sunderland, MA 01375.

MC 29854 (Sub-1–2TA), filed November 25, 1981. Applicant: THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnele Avenue, Jersey City, NJ 07306. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. *Passengers and their baggage, in the same vehicle with passengers, in special operations* beginning and ending at points in New York, NY and extending to Sussex County, NJ. Supporting shipper: Vernon Valley Recreation Association, Vernon Valley Ski Area, Route 94, Vernon, NJ 07462.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 145282 (Sub-II–6TA), application originally published on 11/12/81, page 55795, filed November 2, 1981. Applicant: FALCON TRANSPORT, INC., P.O. Box K, Bird-in-Hand, PA 17505. Representative: James E. Brown, 36 Brunswick Rd, Depew, NY 14043. Transporting: *Ores and minerals, clay, concrete, glass or stone products, building materials, chemicals, transportation equipment, metal products, machinery and machine parts and materials, supplies and equipment used in the manufacture or distribution of such commodities* between points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI for 270 days. Applicant intends to interline at all points of entry on the US Canadain Border within the scope of this application. Supporting shipper(s): Nicolet, Inc., Amberler, PA 19002; Parish Division of Dana Corp. Robesen and Weiser Sts., Reading, PA 19603; Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482; Baldt, Inc., P.O. Box 350; Chester, PA 19016. The purpose of this republication is to include interlining.

MC 153511 (Sub-II–2TA), filed November 19, 1981. Applicant: I. J. BLOUGH, JR., P.O. Box 7185, Suffolk, VA 23437. Representative: Ruth M. Cox, 1224 Dutch Road, Suffolk, VA 23437. *Contract: irregular: Machinery and equipment necessary to maintain peanut roasting and blanching factories,* Between Glendale; CA; Newark, DE; Albany, Atlanta and Donalsonville, GA; Homboldt, IA; Chicago, IL; Michigan City, IN; Sabetha, KS; Theif River Falls, MN; Bellville, Glassboro and Lyndhurst, NJ; Rochester, NY; Lexington and Raleigh, NC; Cincinnati and Sidney, OH; Erie, Homerstown and Philadelphia, PA; San Antonio, TX; Norfolk and Suffolk, VA on the one hand, and, on the other, Ozark, AL; Fitzgerald, GA; Robersonville, NC; Durant, OK; and Suffork, VA under continuing contract with National Design, Inc., Suffolk, VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: National Design, Inc., P.O. Box 343, Suffolk, VA 23434.

MC 159012 (Sub-II–1TA), filed November 18, 1981. Applicant: KELLY BUS SERVICE, INC., 1127 45th Place, S.E., Washington, D.C. 20019. Representative: Peter A. Greene, 1920 N

Street, N.W., Washington, D.C. 20036. *Passengers and their baggage, in charter and special operations,* beginning and ending at points in DC: Montgomery and Prince Georges Counties, MD; Arlington and Fairfax Counties and Alexandria, VA; and extending to points in DE, FL, GA, IL, LA, MD, NH, NJ, NY, NC, OH, PA, SC, VT, VA, and WV for 180 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 21 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 129124 (Sub-II-13TA), filed November 17, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudesco, 1333 New Hampshire Ave., Washington, D.C. 20036. *Coal and coal products,* from points in Erie County, NY to points in Hancock County, WV. An underlying ETA seeks 120 days authority. Supporting shipper: Donner-Hanna Coke Joint Venture, 290 Abby Street, Buffalo, NY.

MC 78092 (Sub-II-1TA), filed November 18, 1981. Applicant: TACONY FREIGHT SYSTEMS, INC., 2301 E. Church Street, Philadelphia, PA 19124. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *General commodities (except classes A and B explosives),* between Philadelphia, PA on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC for 270 days. Supporting shippers: (1) Allen Forwarding Co., Mall Bldg., 4th and Chestnut Sts., Phila., PA; (2) B.P.D. International Co., Lafayette Bldg., Philadelphia, PA.

MC 21866 (Sub-II-43TA), filed November 19, 1981. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyerstown, PA 19512. Representative: Robert R. Harris, 1730 M Street, N.W., Suite 501, Washington, DC 20036-4579. *Printed matter and materials, equipment and supplies used in the manufacture, sale and distribution of printed matter,* (except commodities in bulk), between Harrisonburg, VA, south of US Highway 33, on the one hand, and, on the other, points in CT, DE, DC, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and WI for 270 days. Supporting shipper: The Banta Company—Harrisonburg, 3330 Willow Spring Road, Harrisonburg, VA 22801.

MC 488 (Sub-II-26TA), filed November 19, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same as applicant). *Metal scrap, wastes or tailings* between points in the U.S. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Continental Commodities, 8 Woodlawn Green, Suite 227, Charlotte, NC.

MC 151142 (Sub-II-5TA), filed November 19, 1981. Applicant: H & H TRANSPORTATION, INC., 1701 E. Main St., Newark, OH 43055. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Meat,* between Coshocton County, OH, on the one hand, and, on the other, Detroit, MI, for 270 days. Supporting shippers: Peschke Meats, 18615 Sherwood Ave., Detroit, MI 48234.

MC 154545 (Sub-2-3TA), filed November 24, 1981. Applicant: L & M EXPRESS, INC., 3224 Toone St., Baltimore, MD 21224. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagertown, MD 21740. *Contract: Irregular: Lumber and wood products* between Baltimore, MD including its commercial zone, on the one hand, and, on the other, points in WA, OR, ID, MT, NV, WY, CO, ND, DE, NJ, MN, WI, MI, VA, NC, SC, GA, FL, TN, AL, ME, VT, CT, MA, NY, and OH, under continuing contract(s) with Middle Atlantic Wholesale Lumber, Inc. and Erdman Lumber Co., Inc., for 270 days. Supporting shippers: Middle Atlantic Wholesale Lumber, Inc., P.O. Box 49, Stevenson, MD 21153, and Erdman Lumber Co., Inc., 5900 Erdman Ave., Baltimore, MD 21205

MC 150522 (Sub-II-9TA), filed November 24, 1981. Applicant: VIRGINIAN POWER TRANSPORT CO., P.O. Box 537, Parkersburg, WV 26101. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. *Beer and malt beverages* from Allegheny Co., PA; Campbell Co., KY; Ramsey Co., MN and Saginaw Co., MI to Belmont and Jefferson Cos., OH for 270 days. Underlying ETA seeks 120 days authority. Supporting shipper(s): Choice Brands Distributors, 238 Butte St., Steubenville, OH 43952; Muxie Distributing, 50th and Guernsey Sts., Bellaire, OH 43906.

MC 158946 (Sub-II-1TA), filed November 19, 1981. Applicant: ZAPPI OIL & GAS COMPANY, 44 Bridge Street, Washington, PA 15301. Representative: John A. Pillar, Esq., Pillar and Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Petroleum products,* in bulk, in tank vehicles, (1) from Warren, PA to Wellsville, OH; and (2) from Youngstown and Niles, OH to points in the Counties of Beaver, Butler, Lawrence and Mercer, PA, under continuing contract with United Refining Company of Warren, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: United Refining Company, Box 599, Warren, PA 16365.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 159001 (Sub-3-1TA), filed November 20, 1981. Applicant: BRYWIL, INC., P.O. Box 466, Experiment, GA 30212. Representative: George V. Evans (same address as applicant). *Contract:* Irregular: *Drug store supplies and related items:* Between states of CT, MA, NJ, NY, RI. Supporting shipper: McKesson Drug Co., 280 Dividend Rd., Rocky Hill, CT 06067.

MC 152620 (Sub-3-32TA), filed November 19, 1981. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant). *Contract carrier:* irregular: *General commodities (except Classes A & B Explosives)* between points in the U.S. under continuing contract(s) with the Mobay Chemical Corporation. Supporting shipper: Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

MC 158441 (Sub-3-1TA), filed November 19, 1981. Applicant: BOBBY FRYAR TRUCKING, 418 S. Seminole Drive, Chattanooga, TN 37411. Representative: Bobby Fryar (same as applicant). *Contract:* Irregular: *Sand & Gravel Aggregate hauled in dump trucks.* Under a continuing contract or contracts with Dixie Sand & Gravel Co. and Bowen Brothers, between Points in TN and GA. Supporting Shipper: Dixie Sand & Gravel Co., 515 River Street, Chattanooga, TN 37402, Bowen Brothers, Inc. P.O. Box 643, Dalton, GA 30720.

MC 156839 (Sub-3-2TA), filed November 24, 1981. Applicant: RICHARD WITTEVEEN, d.b.a. WITTMARK ASSOCIATES, Representative: David P. Senkpiel, 420 Manor Drive, High Point, NC 27260. *Contract* Carrier: Irregular: *New furniture, Materials, Equipment, Supplies used in the manufacturing and distribution thereof* between Dillon, SC and points in the US. Under a continuing contract with Dillon Furniture Manufacturing Co., Dillon, SC, 29536. Supporting shipper: Dillon Furniture Manufacturing Co., North First Street, Dillon, SC 29536.

MC 146377 (Sub-3-1TA), filed October 5, 1981. Republication—Originally published in **Federal Register** of November 12, 1981, page 55795, volume 46, No. 218. Applicant: EDWARD MCGILL, INC., 3 General Avenue, Rome, GA 30161. Representative: Gary Hamilton, 237 North Fifth Avenue, P.O.

Box 476, Rome, GA 30161. *Contract* carrier; irregular; *perishable bakery products*, from Rome, GA, to points in KY, VA, OH, & WV, under a continuing contract with ITT Continental Baking Company, Inc., of Rome, GA. Supporting shipper: ITT Continental Baking Company, Inc., 800 Eden Valley Road, Rome, GA 30161. Applicant intends to tack this authority with authority held in MC–146377, Sub 2F.

MC 158297 (Sub-3–1TA), filed November 20, 1981. Applicant: TRANSCOASTAL SURFACE TRANSPORT, INC., 3861 Rogers Dr., Douglasville, GA 30134. Representative: Louise L. Rochester (same as above). *Steel, machinery, pre-case concrete*, between Atlanta and Savannah, GA; Birmingham, Irondale and Ashville, AL; Miami, FL; Houston and Dallas, TX; Columbus, OH; Chattanooga, and Memphis, TN; Crystal, MN and Hartford, CT. Supporting shipper(s): There are five (5) statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 158687 (Sub-3–1TA), filed November 18, 1981. Applicant: EXEC LINES, INC., 2920 Summerfield Dr., Louisville, KY 40220. Representative: Robert C. Bryant (same address as applicant). *Persons and their baggage, in charter service*, between Louisville, KY and its commercial zone, on the one hand, and on the other hand, GA, IN and OH and TN. Five support shipper statements may be examined at the ICC's Regional Office, Atlanta, GA.

MC 149081 (Sub-3–2TA), filed November 23, 1981. Applicant: FLEIG LEASING INC., 1267 Burlington Road, U.S. Highway 49 South, Roxboro, NC 27573. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Contract-Irregular-Machinery and machinery parts, materials, equipment and supplies used in the manufacture and distribution of machinery and machinery parts*, between points in the United States, except AK and HI, under continuing contract with RPC Corporation of Roxboro, NC. Supporting Shipper: RPC Corporation, P.O. Box 451, Roxboro, NC 27573.

MC 138736 (Sub-3–2TA) Filed November 23, 1981. Applicant: FBM TRUCKING, INC., P.O. Box 513, Hwy. 54 E., Fayetteville, GA 30214. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Such commodities as are dealt in or used by manufacturers and distributors of juvenile products*, between Rancho Dominguez, CA, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: California Strolee, Inc., 19067 So. Reyes Avenue, Rancho Dominguez, CA 90224.

MC 145190 (Sub-3–2TA), filed November 23, 1981. Applicant: D. A. D. TRANSPORT CORP., 3832 New Cummings Road, Chattanooga, TN 37409. Representative: Daniel O. Hands, 205 West Touhy Avenue, Suite 200–A, Park Ridge, IL 60068. (1) *Corrugated containers* between Chattanooga, TN, and points in its Commercial Zone, on the one hand, and, on the other, points in AL, GA and those points in FL in and west of Jefferson County, FL and (2) *paperboard* from points in AL amd GA to Chattanooga, TN and points in it's Commercial Zone. Supporting Shipper: Container Corporation of America, P.O. Box 1225, Stone Mountain, GA 30086; G. P. Westcott & Company, P.O. Box 255, Signal Mountain, TN 37377; Precision Packaging, Inc., 310 East 28th Street, Chattanooga, TN 36410.

The following Applications were filed in region 4. Send Protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 3116 (Sub-4–1TA), filed November 20, 1981. Applicant: YERGES VAN LINERS, INC., 1230 Whitewater Ave., Highway 12, P.O. Box B, Fort Atkinson, WI 53538. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *pickles, pickle relish, pickle products, and kraut, and materials, equipment and supplies used in the manufacture and distribution of such commodities*, between Waterloo, WI, and points in AR, IA, IL, IN, KS, LA, MI, MO, MS, OH, OK, PA, TN and TX. Restricted to transportation performed under continuing contract(s) with J. G. Van Holten & Son, Inc. Supporting shipper: J. G. Van Holter & Son, Inc., P.O. Box 66, Waterloo, WI 53594.

MC 118846 (Sub-4–2TA), filed November 19, 1981. Applicant: DALE JESSUP, INC., R.R. 1, Camby, IN., 46113. Representative: Walter F. Jones, Jr., 1111 E. 54th St., Indianapolis, IN., 46220. *Malt beverages* from Newport, KY, LaCrosse, WI, St. Louis MO, Detroit, MI, Milwaukee, WI, Peoria, IL and Columbus, OH to points in IN. Supporting Shippers: Scott County Distr. Co., Inc., R.R. 6, Box 18, Scottsburg, IN., 47170, Rhoades Beverage Co., Inc. 706 W. Main St., Plainfield, IN., Salem Beverage Co., Inc., 309 S. Water St., Salem, IN.

MC 141512 (Sub-4–3TA), filed November 19, 1981. Applicant: HOMER'S, INC., 10554 W. Donges Ct., Milwaukee, WI 53224. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. (1) *Beverages* from Cleveland and Cincinnati, OH, St. Louis, MO, and Chicago, IL to points in WI; and (2) *Containers and container closures* from Oak Creek, WI to Memphis, TN. Supporting shippers: Jos. Schlitz Brewing Company, 235 W Galena St., Milwaukee, WI 53212; Highland Brands, Inc., P.O. Box 164, Germantown, WI 53022.

MC 144927 (Sub-4–12TA), filed November 19, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (address same as applicant). *Industrial chemicals, liquid agricultural insecticide, now toxic antifreeze, liquid cleaning compounds, nuriatic acid*, from Liberty, MO to points in IN, OH, PA, and NY. An underlying ETA seeks 90 days authority. Supporting shipper: Douglas Chemical, R.R.#3—Box 180, Liberty, Missouri 64068.

MC 147644 (Sub-4–10TA), filed November 19, 1981. Applicant: J.M.C. TRANSPORT, INC., 1719 Potters Lane, Jeffersonville, IN 47130. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Printed matter*, between Louisville, KY, on the one hand, and, on the other, points in the U.S. Supporting shipper: Fetter Prntg. Co., Louisville, KY. 40201.

MC 148126 (Sub-4–2TA), filed November 19, 1981. Applicant: E.W.L. TRUCKING, INC., 2055 Johns Drive, Glenview, IL 60025. Representative: T. M. Schlechter & D. S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract;* Irregular: *Foodstuffs, and Materials, Equipment and Supplies used in the manufacture or distribution of foodstuffs*, Between points in the Chicago, IL, Commercial Zone; Bradley, Jacksonville and Springfield, IL; Indianapolis, IN; Fredericksburg and New Hampton, IA; Bear Lake, Coloma, Decatur, Grawn and Hillsdale, MI; Minneapolis and St. Paul, MN; and Milwaukee and Oak Creek, WI; on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, OH, and WI, under continuing contract(s) with the Kitchens of Sara Lee located in Deerfield, IL. Supporting Shipper: Kitchens of Sara Lee, 500 Waukegan Rd., Deerfield, IL 60015.

MC 148175 (Sub-4–5TA), filed November 19, 1981. Applicant: ROBERT W. DENTON, d.b.a. SPIRIT TRUCKING, 8700 S. Wolf Rd., Hinsdale, IL 60521. Representative: Robert W. Denton, 9100 W. 47th St. Brookfield, IL 60513. General Commodities (except Classes A & B explosives), having prior or subsequent movement by rail, water or air, between Chicago, IL and Its Commercial Zone, on

the one hand, and on the other points in MO, IA, KY and MN. Supporting Shippers: Argus Shipping Co., 2300 E. Higgins Road, Elk Grove Village, IL 60007., Militzer & Muench, 2720 Desplaines Ave., Des Plaines, IL 60018, Dart Containerline Ltd., 9950 W. Lawrence, Schiller Park, IL, 60176.

MC 149457 (Sub-19TA), filed November 20, 1981. Applicant: JWI TRUCKING, INC., 8100 N. Teutonia Ave., Milwaukee, WI 53209. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract*; irregular; *Wearing apparel* from Brooklyn, OH to points in the U.S. (except AK and HI) under a continuing contract(s) with Joseph & Feiss Company, a Division of Phillips-Van Heusen. An underlying ETA seeks 120 days authority. Supporting Shipper: Joseph & Feiss Company, a Division of Phillips-Van Heusen, P.O. Box 5968, Cleveland, OH 44101.

MC 150210 (Sub-4–4TA), filed November 19, 1981. Applicant: CULTURED FOODS, INC., 370 University Avenue, St. Paul, MN 55103. Representative: Richard G. Braman, Attorney at Law, 1100 National City Bank Building, 510 Marquette Avenue, Minneapolis, MN 55402. *Empty plastic containers to be used in the packaging of dairy products*, from the facilities of Shamrock Industries, Inc. located at Minneapolis, MN to the facilities of Consolidated Badger Cooperative located at DePere, WI. *Supporting shipper: Consolidated Badger Cooperative, P.O. Box 129, DePere, WI 54115.*

MC 151482 (Sub-4–9TA), filed November 19, 1981. Applicant: ROCK VALLEY CONTRACT CARRIERS, INC., 3571 Merchandise Drive, Rockford, IL 61109. Representative: Thomas F. Mohr (same as applicant). *Contract* irregular: *Rolls of plastic film or sheeting and supplies used in the manufacturing thereof* between Jeanette, PA and Freeport, IL. Restricted to traffic moving under continuing contract with Newell Companies. Supporting Shipper: Newell Companies, Freeport, IL.

MC 152284 (Sub-4–5TA), filed November 19, 1981. Applicant: INDIANA HEAVY & SPECIALIZED CARRIER, INC., Route 1 Wilson Ave., Madison, IN 47250. Representative: Stephen M. Gentry, Attorney at Law, 1502 Main St., Speedway, IN 46224. *Contract*, irregular; *primary metal products, fabricated metal products and machinery and supplies* between points in the U.S. (except AK and HI). Restricted to traffic moving under a continuing contract with Rexnord, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Rexnord, Inc., 2753 Michigan Rd., Madison, IN 47250.

MC 153721 (Sub-4–3TA), filed November 19, 1981. Applicant: RAF TRANSPORT, INC., R. R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market Street, Indianapolis, IN 46204. *Animal and Poultry Feed Supplements*, between points in Lake County, IL and Marion County, IN on the one hand, and on the other, points in Jackson and Jennings Counties, IN.

MC 154568 (Sub-4–2TA), filed November 19, 1981. Applicant: CLARENCE DEAN KVALEVOG, d.b.a. C.D. KVALEVOG, R.R. 7, Box 266–17, Bemidji, MN 56601. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Malt beverages*, from (1) St. Louis, MO to Williams and Ward Counties, ND; Richland County, MT; Beltrami and Polk Counties, MN; and (2) Milwaukee, WI to Ward County, ND and Polk County, MN and (3) Memphis, TN to Williams County, ND and Richland County, MT; and (4) St. Paul, MN to Ramsey County, ND, for 270 days. Supporting Shippers: Jerome Wholesale, Inc., 520 BN Right of Way, Devils Lake MN 58301; Creighton Distributors, Inc., Box 1185, Williston, ND; and Magic City Beverages Co., Box 980, Minot, ND, 58701.

MC 155668 (Sub-4–2TA), filed November 19, 1981. Applicant: YANKE TRANSFER, LTD., Box 66, Viscount, Saskatchewan, Canada S0K4M0. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Sulphur*, from ports of entry on the International Boundary Line between the U.S. and Canada in ND, MN and MT to points in MI, MN, OH, IL, ND, SD, MT, WA, ID and WY. Supporting shipper: Tiger Chemicals, Ltd., Calgary, Alberta, Canada.

MC 157760 (Sub-4–5TA), filed November 20, 1981. Applicant: PROFESSIONAL COACH DELIVERIES, INC., P.O. Box 15223, Milwaukee, WI 53215. Representative: John L. Bruemmer, 121 W. Doty St., Madison, WI 53703. *Buses, in initial driveaway movements*, between Los Angeles County, CA, on the one hand, and points in KY, MI, NJ, NY and OR, on the other hand. Supporting Shipper: *Crown Coach Corporation*, 2428 E. 12th St. Los Angeles, CA 90021.

MC 159051 (Sub-4–1TA), filed November 20, 1981. Applicant: RINKER TRANSPORT, INC., Roger Rinker, President, Route 1, Box 97, Hamlet, IN 46532. Representative: Clifford J. Rice, Rice, Rice, Handlon & Anderson, Attorneys at Law, a professional corporation, 3235 Willowcreek Road, Portage, IN 46368. *Wire Carriers and Wire Spools*, from the facilities of Acrowire Accessories, Inc. at or near Rolling Prairie, IN, to the plant site and warehouse facilities of Jones & Laughlin Steel Company, at or near Aliquippa, PA, and the plant site and warehouse facilities of Amerwire, Inc. at or near Joliet, IL. An underlying ETA was filed Supporting Shipper: Acrowire Accessories, Inc., P.O. Box 6, 5022 East Oaknoll Road, Rolling Prairie, IN 46371.

MC 159354 (Sub-4–1TA), filed November 18, 1981. Applicant: RONH THEATRICAL TRANSPORT SPECIALIST, INC., 701 Mallard Lane, Deerfield, IL 60015. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. Contract Carrier, transporting *Theatrical, television and other materials usually and ordinarily used in staging industrial, theatrical and convention shows.* Between points in the Chicago, Illinois Commercial Zone, on the one hand, and, San Francisco, Los Angeles, CA; Dallas & Houston, TX; Washington, D.C.; Maui, HI; St. Louis, MO; Tampa & Jacksonville, FL; Merrimac, NH; Williamsburg, VA; Columbus, OH; Baldwinsville, NY; Newark, NJ; Atlanta, GA; Hunt Valley, MD; Wichita, KS; and Charlotte, NC, on the other. Supporting shippers: Paulette-Wolf Productions, Inc., 1159 No. State Parkway, Chicago, IL 60610 and Production Associates, Ltd., 80 Lively Blvd., Elk Grove, IL 60007.

MC 159355 (Sub-4–1TA), filed November 18, 1981. Applicant: BASTIN VERHOEVEN DELIVERY, INC., 501 W. 172nd St., South Holland, IL 60475. Representative: William D. Brejcha, 10 S. LaSalle, Suite 1600, Chicago, IL 60603. *Iron and steel articles*, between Alsip, IL, on the one hand, and, on the other, Indianapolis, IN.

MC 159362 (Sub-4–1TA), filed November 19, 1981. Applicant: MICHAEL D. WENZEL, d.b.a. MIKES SERVICE, 3514 S. Archer, Chicago, IL 60609. Representative: Mike Wenzel, 3548 S. Western, Chicago, IL 60609. *Motor vehicles, wrecked or disabled, in tow-away service* between points in IL, IN, WI, MO, KS, and KY. Supporting shipper(s): Devon Movers, 1017 W. 47 St. Chicago, IL 60609. Middlewest Freightways Inc., 2901 W. 31 St. Chicago, IL 60623. Longfellow Cartage, 1017 W. 47 St. Chicago, IL 60609.

MC 159384 (Sub-4–1TA), filed November 20, 1981. Applicant: DAVID KURK, INC., P.O. Box 112, Eitzen, MN 55931. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Liquid corn syrup in bulk* from Keokuk, IA to points in IL, MN and

WI. Supporting shipper: Hubinger Co., 601 Main Street, Keokuk, IA 52632.

MC 40978 (Sub-4–18TA), filed November 25, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Furniture and fixtures* from NC to points in IL and IN. Supporting shippers: There are 11 supporting shippers.

MC 120364 (Sub-20TA), filed November 24, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract:* irregular; *Decubitus pads, plush or pile fabrics, and articles produced therefrom, and materials, equipment and supplies used or useful in the manufacture, sale or distribution of such commodities* between Cowan, TN, on the one hand, and, on the other, points in IL, IN, MO, and WI, under continuing contract(s) with Monterey Mills, Inc., Janesville, WI. Underlying ETA seek 120 days authority. Supporting shipper: Monterey Mills, Inc., 1725 E. Delevan Drive, Janesville, WI 53545.

MC 120364 (Sub-4–21TA), filed November 24, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *General commodities (except Classes A and B explosives)* between WI, IL, IN, and MO, on the one hand, and, on the other, points in the U.S. There are thirty-five supporting shippers.

MC 120364 (Sub-4–22TA), filed November 24, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract:* irregular; *Metal Products* from Savanna, IL to points in NE, KS, IA, MO, AR, WI, MI, IN, OH, KY, TN and PA under a continuing contract(s) with Hot Formed Products, a Division of MacLean-Fogg Corporation, for 270 days. An underlying ETA seeks 120 days authority: Supporting shipper: Hot Formed Products, A division of MacLean-Fogg Corporation, Box A, Highway 84, South, Savanna, IL 61074.

MC 126927 (Sub-4–1TA), filed November 24, 1981. Applicant: PANTHER TRANSPORTATION, INC., 7301 W. 15th Avenue, Gary, IN 46406. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. (1) *Solar equipment, furnaces, air-conditioning machinery, heaters, and containers, and* (2) *equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above,* between the facilities of Rheem Manufacturing Co., at Indianapolis, IN, Chicago, IL, and Ft. Smith, AR, on the one hand, and, on the other, points in WI, MI, MN, IN, IL, OH, KY, MO, IA and AR. Supporting shipper: Rheem Manufacturing Co., 7600 S. Kedzie, Chicago, IL 60652.

MC 133189 (Sub-4–15TA), filed November 25, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Landscaping and lawn products,* between points in Hennepin, Ramsey and Dakota Counties, MN on the one hand, and, on the other, points in CO, WI, IA, ND, and SD. Supporting shipper: Patio Town, P.O. Box 2027, North St. Paul, 55209.

MC 135410 (Sub-4–43TA), filed November 24,1981. Applicant: COURTNEY J. MUNSON d.b.a. MUNSON TRUCKING, North 6th Street Rd., Monmouth, IL 61462. Representative: Jack H. Blanshan, Attorney at Law, 205 W. Touhy Ave., Suite 200–A; Park Ridge, IL 60068. *Metal products and machinery,* (1) from points in OH, IN, and MI, and St Louis, MO, Little Rock and Sulphur Springs, AR, Tonawanda, Rochester and Syracuse, NY, Rush City, MN, Fairfield, IA and Bowling Green, KY, and points in the commercial zones of the respectively named cities, to Lincoln, NE, Galesburg and Waukegan, IL, and Beloit, Milwaukee and Manawa, WI, and points in the commercial zones of the respectively named cities; (2) between Lincoln, NE, Galesburg and Waukegan, IL, and Beloit, Milwaukee and Manawa, WI, and points in the commercial zones of the respectively named cities; (3) from Milwaukee, WI, and points in its commercial zone, to Lincoln, NE and Galesburg and Waukegan, IL, and points in the commercial zones of the respectively named cities; and (4) from Lincoln, NE, Galesburg and Waukegan, IL, and Beloit, Milwaukee and Manawa, WI, and points in the commercial zones of the respectively named cities, to Ashtabula, OH, Little Rock, AR, Flint, MI and Tonawanda, NY, and points in the commercial zones of the respectively named cities. Restriction: Parts (1), (2), (3) and (4) above are restricted to the transportation of traffic either originating at or destined to the facilities of Outboard Marine Corporation. Supporting shipper: Outboard Marine Corporation, 3145 Central Ave., Waukegan, IL 60085.

MC 145636 (Sub-4–7TA), filed November 24, 1981. Applicant: BOB BRINK, INC., 165 Steuben St., Winona, MN 55987. Representative: Edward H. Instenes, 128½ Plaza East, P.O. Box 676, Winona, MN 55987. *Such Articles as are used in the sale, manufacture and distribution of Plastic or Rubber Products.* From Allentown, PA; Canton, OH; Charlotte, NC; Cincinnati, OH; Cleveland, OH; Greenville, SC; Hartwell, GA; Hartsville, SC; Itasca, IL; Laurens, SC; Mendota, IL; Minneapolis-St. Paul, MN Commercial Zone; Milford, MA; Philadelphia, PA; Spartanburg, SC; Stoughton, MA; to the facilities or Fiberite Corporation at or near Greenville, TX. Supporting Shipper: Fiberite Corporation, 501 West Third St. Winona, MN 55987.

MC 153273 (Sub-4–5TA), filed November 25, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine Street, Green Bay, WI 54305. Representatives: John H. Sage (same address as applicant). Contract Carrier: Irregular Routes: *Food and food related articles* from, to, and between Fredonia, NY and all points in AL, IL, KY, LA, MN, MO, OK, TX, TN, WI., under contract with The Red Wing Company, Inc. of Fredonia, NY. Supporting shippers: The Red Wing Company, Inc. 196 Newton Street, Fredonia, NY 14063.

MC 154800 filed November 20, 1981. Applicant: S & B TRUCKING, INC., Route 1, Box 151, Colfax, WI 54730. Representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Hides,* between points in TX and KS on the one hand, and, on the other, points in Muscatine County, IA; and between points in Muscatine County, IA on the one hand, and, on the other, points in Sheboygan County, WI. Supporting Shipper: Armira Corporation, 1113 Maryland Ave. Sheboygan, WI 53081.

MC 155025 (Sub-4–2TA), filed November 24, 1981. Applicant: ARNOLD BERG, JR. d.b.a. BERG GRAIN & PRODUCE, Box 746, Moorhead, MN 56530. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502. *Meats,* from the facilities of Held Beef, Inc., near West Fargo, ND, to points in the U.S. Underlying ETA seeks 120 days authority. Supporting shipper: Held Beef, Inc., Stockyards Road, West Fargo, ND 58078.

MC 159147 (Sub-R4–1TA), filed November 24, 1981. Applicant: NEW STYLE TRANSPORT, 9115 Swanson Road, Algonquin, IL 60102. Representative: Hugh G. Doggett, Jr., 93

Timberhill Drive, Crystal Lake, IL 60014. Contract: Irregular: *Stryrofoam products,* from Oelwein, IA to points in IL, IA, MN, MO, and MI under continuing contract(s) with Western Foam of Oelwein, IA. Supporting shipper: Western Foam, 951 Second Ave. S.E., Oelwein, IA 50662.

MC 159386 (Sub-4–1TA), filed November 20, 1981. Applicant: DOUG EHRLICH, INC., 201 East Arbor, #202E, Bismarck, ND 58501. Representative: Charles E. Johnson, WHEELER, WOLF, PETERSON, SCHMITZ, McDONALD & JOHNSON, 220 North 4th Street, Box 773, Bismark, ND 58502. Contract, irregular, transporting (1) *lumber, wood products and building materials* between points in MN, IL, IN, WI, ND, SD and MI on the one hand, and, on the other, points in the U.S. and (2) *construction machinery and equipment and materials, equipment and supplies used in the manufacture of construction machinery and equipment* between the facilities of Holland Loader Co. and Holland Construction Co. at or near Billings, MT, on the one hand, and, on the other, points in the U.S., under contract with Plywood Distributing Co., Inc., Wheaton, IL, Holland Construction Co., Billings, MT, and Holland Loader Co., Billings, MT. Supporting shippers: Plywood Distributing Co., Inc., Box 726, Wheaton, IL 60187; Holland Loader Co. and Holland Construction Co., 2450 South 32nd Street West, Billings, MT 59102.

MC 159387 (Sub-4–1TA), filed November 20, 1981. Applicant: JAMES W. AMBLER, R.R. #1, Mendota, IL 61342. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *(a) Bakery goods and (b) protein products* from (a) Minneapolis, MN to Clinton and Davenport, IA, and (b) from Pryor, OK to Chicago, Joliet, Springfield, IL, Waverly and Davenport, IA, St. Louis, MO and Terre Haute, IN. An underlying E/T/A seeks 120 days authority. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 159428 (Sub-4–1TA), filed November 24, 1981. Applicant: LOREN J. VERBURG & DAVID E FOWLER, d.b.a. EXCELLENT TRUCKING CO., P.O. Box 41, Zeeland, MI 49464. Representative: Suzette Harden, 3120 Madison SE., Grand Rapids, MI 49508. *General Commodities* (except household goods as described by the Commission and class A & B explosives) between points in the U.S. under continuing contract with Ex-Cell-O Corporation. Supporting shipper: Ex-Cell-O Corporation, 801 Ladd Rd., Walled Lake, MI 48088.

MC 159432 (Sub-4–1TA), filed November 24, 1981. Applicant: B. Z. ENTERPRISES, INC., 10794 Pine St., Bldg. 7, Taylor, MI 48180. Representative: Paul M. Ross, 3104 S. Cedar St., Lansing, MI 48910. *Contract* irregular: Metal products, equipment, and supplies used in the production and sale thereof between points in WV, MO, NY, IL, OH, PA, and MI, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Moore Flamecutting, Inc. An underlying ETA seeks 120 days. Supporting shipper: Moore Flamecutting, Inc., 28326 Hayes Road, Roseville, MI 48066.

MC 159439 (Sub-4–1TA), filed November 25, 1981. Applicant: RICHARD McDOLE, d.b.a. REX TOWING AND WELDING, 1931 First Street, Rock Island, IL 61201. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Wrecked and disabled motor vehicles and trailers,* between Rock Island County, IL, on the one hand, and, on the other, points in IA. Supporting shipper: Roadway Express, Inc., P.O. Box 471 Akron, OH 44309.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 116004 (Sub-5–3TA), filed November 20, 1981. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same as applicant). *General commodities* (except household goods as defined by the Commission and A & B explosives), BETWEEN Vandalia, IL and Columbus, OH over IS Hwy 70; BETWEEN Indianapolis, IN and Cincinnati, OH over IS Hwy 74; BETWEEN Indianapolis, IN and Ft. Wayne, IN over IS Hwy 69; BETWEEN Cincinnati, OH and Toledo, OH over IS Hwy 75; BETWEEN Cincinnati, OH and Cleveland, OH over IS Hwy 71; and return over the same routes, serving all intermediate points and serving Summitt and Stark counties OH as off route points in connection with regular route authority. Tacking and interlining are requested. There are 60 supporting shippers.

MC 121625 (Sub-5–4TA), filed November 20, 1981. Applicant: ARK CITY EXPRESS, INC., 1201 South First St., Arkansas City, KS 67005. Representative: Monty R. Coble (same as applicant). *Bicycles and other aritcles related to the manufacture of,* from Kay County, OK and Cowley County, KS to all points in the U.S. Supporting shipper: Huffy Corporation, 2500 Huffy Road, Ponca City, OK 74601.

MC 123476 (Sub-5–12TA), filed November 19, 1981. Applicant: CURTIS TRANSPORT, INC., P.O. Box 427, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). *Food and related products including pet food, raw materials, and equipment and supplies used in the manufacture and distribution thereof,* between the IL Counties of Cook and Kanakee, the KS County of Wyandotte on the one hand, and, on the other hand, all points in the states of AR, IA, IL, IN, KY, KS, MI, OH, TN, WI, and MO. Supporting shipper: Swift and Co., 115 W. Jackson, Chicago, IL 60604.

MC 124174 (Sub: 5–53 TA), filed November 18, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Lumber and Wood Products and Building Materials,* From Palmer and Chicopee, MA and South Windham, CT, to Pts. in NY, NJ, MD, PA, NC, SC, VA, WV, KY, OH, and IN. Supporting shipper: Lumber Sales Management Corp., P.O. Box 401, Needham, MA 02192.

MC 124211 (Sub-5–2TA), filed November 18, 1981. Applicant: HILT TRUCK LINE, INC., P.O. BOX 988 DST, Omaha, NE 68101. Representative: Norma J. Hilt (same as applicant). *Such commodities as are dealt in or used by manufacturers or distributors of machinery, electrical equipment, and parts.* Between Potter County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Tiernan Corporation, P.O. Box 7588, Amarillo, TX 75109.

MC 144117 (Sub-5–12TA), filed November 19, 1981. Applicant: TLC LINES, INC., 1666 Fabick Drive, Fenton, MO 63026. Representative: Jack H. Blanshan, Attorney at Law, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Wine (except commodities in bulk),* from points in CA on, west and north of U.S. Highway 395, to points in CT, DE, DC, IL, IL, IN, LA, KS, KY, LA, ME, MD, MA, MI, MN, MO, ND, NH, NJ, NY, OH, PA, RI, SD, VT, VA and WI. Supporting shipper: LDS Forwarding, Inc., 2211 Wood Sdt., Oakland, CA 94607.

MC 147196 (Sub-5–36TA), filed November 18, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, La. 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. Contract, Irregular: *Office and school furniture and related articles and material normally used in the manufacture of*

same between Collin County, TX and points in the U.S. Supporting shipper: Smith Systems Mfg. Co., P.O. Box 43515, St. Paul, MN. 55164.

MC 147196 (Sub-5 37TA), filed November 19, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. Contract, Irregular: *Iron or steel shelving* between Dallas County, TX on the one hand and Berrien County, MI and San Francisco County, CA on the other. Supporting shipper: Universal Carrier, 613 Easy Street, Garland, TX, 75042.

MC 148643 (Sub-5–2TA), filed November 20, 1981. Applicant: MONTY R. COBLE, d.b.a. ARK CITY WAREHOUSE CO., 1201 South First St., Arkansas City, KS 67005. Representative: Monty R. Coble (same as applicant). *Food and Related Products*, between points in the U.S. Supporting shippers: John Morrell & Co., 1800 S. Summit St., Arkansas City, KS 67007; Kansas Food Packers, 608 Burton Ave., Wichita, KS 67213.

MC 149088 (Sub-5–6TA), filed November 19, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract, irregular, *coal*, From the mine site of Clemans Coal Co. at or near Pittsburg, KS to Des Moines, IA. Supporting shipper: Mackie Clemans Fuel Co., Inc., 320 N. Locust, Pittsburg, KS 66762.

MC 149199 (Sub-5–6TA), filed November 19, 1981. Applicant: FRONTIER EXPRESS INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. *Air handling equipment and supplies; and materials, equipment and supplies used in the manufacture and distribution thereof (except bulk commodities)*: between the facilities of Environmental Elements Corporation at Ponca City, OK, on the one hand, and, on the other, points in the U.S. Supporting shipper: Environmental Elements Corporation, a subsidary of Koppers Co., Inc. (Titus Products Division), of 1221 International Parkway, Terrell, TX 75081.

MC 149323 (Sub-5–2TA), filed November 19, 1981. Applicant: BINGHAM TRANSPORTATION, INC., 2005 E. Avenue, Baxter Springs, KS 66713. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Gypsum rock, in bulk*, From the facilities of Gold Bond Building Products, a division of National Gypsum Company in Barber County, KS to Sugar Creek, MO. Supporting shipper: Gold Bond Building Products, a division of National Gypsum Co., 2001 Rexford Rd., Charlotte, NC 28211.

MC 155993 (Sub-5–1TA), filed November 10, 1981. Applicant: ISIS LEASING CORPORATION, 5800 Stilwell, Kansas City, MO 64120. Representative: E. Wayne Farmer, City Center Square, 27th Floor, Kansas City, MO 64196. *Frozen and non-frozen foodstuffs, and related items utilized in grocery, restaurant and food business houses and hotel operations* between all points and places in the states of AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, MS, NE, NJ, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, VA, WA, WV, WI, and WY. Supporting shippers: 7.

MC 156329 (Sub-5–4TA), filed November 20, 1981. Applicant: CHISM, INC., 2160 E. Thoman, Springfield, MO 65803. Representative: Robert Jarvis (same address as applicant). *General commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* from the facilities utilized by Mead Johnson & Company at Evansville and Mt. Vernon, IN, and Springfield, MO, to points in the U.S. Supporting shipper: Mead Johnson & Company, 2404 Pennsylvania Avenue, Evansville, IN 47721.

MC 159335 (Sub-5–1TA), filed November 18, 1981. Applicant: INTERMODAL CARRIERS, INC., 2815 Gaston Avenue, Dallas, TX 75226. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Such commodities as are dealt in or used by retail department stores* between Dallas, TX and its commercial zone on the one hand, and on the other, Waco, Killeen, Temple, Austin, San Antonio, TX and their respective commercial zones. Supporting shipper: Edison Bros. Stores, Inc., St. Louis, MO.

Note.—Applicant intends to interline.

MC 159341 (Sub-5–1TA), filed November 18, 1981. Applicant: SCHULZ TRANSPORTATION SERVICES, INC., Route 3, Box 89, Seward, NE 68434. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Contract: irregular. *Meats and packinghouse products*, from Downs, KS to Los Angeles, Lodi and Fresno, CA, under continuing contract(s) with Pork Packers International, Inc. Supporting shipper: Pork Packers International, Inc., Box 158, Downs, KS 67437.

MC 159367 (Sub-5–1TA), filed November 19, 1981. Applicant: MID-AMERICA TRAVEL CENTERS, INC., 508 6th St., Grundy Center, IA 50638. Representative: Martha Martell, 600 Fifth Avenue Plaza, Des Moines, IA 50309. *Passengers and their baggage, in the same vehicle as passengers, in round-trip charter operations* beginning and ending in Grundy and Hardin Counties, IA, and extending to pts. in the U.S. (including AK but excluding HI). Supporting shippers: Grundy Center Chamber of Commerce, Grundy Center, IA 50638; Reinbeck Friendly Seniors, c/o Doris Casey, Reinbeck, IA 50669; City of Eldora, c/o Jeffrey Kooistra, Eldora, IA 50627; Dorothy's Senior Citizen Center, c/o Marlene Zeisman, Eldora, IA 50627.

MC 117765 (Sub-5–25TA), filed November 23, 1981. Applicant: HAHN TRUCK LINE, INC., P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same as applicant). *Food and Related Products*, Between Points in State of WI. on the one hand, and points in AR, KS, MO, OK and TX. Supporting shipper: American Farms Corporation, P.O. Box 311, Waupun, WI 53963.

MC 138954 (Sub-5–1TA), filed November 23, 1981. Applicant: TRUCK SERVICE HAULING & RENTALS, INC., 7140 Greenwell Springs Road, P.O. Box 15891, Baton Rouge, LA 70895. Representative: Glideville or Barbara Ann Creech, 1748 Sherwood Forest Blvd., Baton Rouge, LA 70895. Contract: Irregular *Steel Rebar and other related items* between LA and TX. Supporting shipper: Sheffield Steel Corporation, P.O. Box 3236, Baton Rouge, LA 70821.

MC 139587 (Sub-5–5TA), filed November 23, 1981. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 601, Carthage, MO 64836. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Foodstuffs*, from North Kansas City, MO, to points in AR and OK. Supporting shipper(s): The Pillsbury Company, The Pillsbury Center, Mail Station 1964, Minneapolis, MN 55402.

MC 145802 (Sub-5–4TA), filed November 23, 1981. Applicant: RONALD E. REED, d.b.a. TRIPLE R TRUCKING, R.F.D., Laurens, IA 50554. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Meat and meat products*, from the facilities of John Morrell & Co. located at Estherville and Sioux City, IA; Fairmont and Worthington, MN; and Sioux Falls, SD to pts in AL, CA, FL, GA, KS, LA, MS, NC, OK, SC, TN and TX. Supporting shipper(s): John Morrell &

Co., 208 South LaSalle, Chicago, IL 60604.

MC 145921 (Sub-5–2TA), filed November 23, 1981. Applicant: NEXT DAY MOTOR FREIGHT, INC., 9470 Aerospace Drive, St. Louis, MO 63134. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *General Commodities (except Classes A and B explosives)*, between points in Adams, Brown, Schuyler, Pike, Cook, Lake, DuPage, Scott, Morgan, Cass, Mason, Menard, Logan, DeWitt, Macon, Piatt, Champaign, Vermillion, Sangamon, Christian, Moultrie, Douglas, Edgar, Coles, Shelby, Clark, Cumberland, Montgomery, Macoupin, Greene, Calhoun, Jersey, Bond, Madison, Fayette, Effingham, Jasper, Crawford, Clay, Richland, Lawrence, Marion, Clinton, St. Clair, Monroe, Randolph, Washington, Jefferson, Wayne, Edwards, Wabash, Perry, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, Massac, Rock Island, McDonough, Knox, Tazewell, Peoria, and Henry Counties, IL, Warren, St. Louis, St. Charles, Franklin, Jefferson, St. Genevieve, St. Francois, Perry, Iron, Reynolds, Madison, Bollinger, Cape Girardeau, Wayne, Stoddard, Scott, Mississippi, New Madrid, Dunklin, Pemiscot, Butler, Ripley, Carter, Washington, Crawford, Phelps, Maries, Miller, Gasonade, Osage, Cole, Morgan, Moniteau, Callaway, Cooper, Boone, Montgomery, Lincoln, Pike, Audrain, Saline, Howard, Chariton, Macon, Randolph, Shelby, Monroe, Marion, Ralls, Lewis, Jackson, Platte, Clay, Lafayette, Clark, and Buchanan Counties, MO, Des Moines, Lee, Scott, Muscatine, and Henry Counties, IA, Johnson, Wyandotte, and Leavenworth Counties, KS. NOTE: Applicant now holds all of the authority here sought in MC 145921 (Sub No. 4) with the exception of Rock Island, McDonough, Knox, Tazewell, Peoria, and Henry Counties, IL, Scott, Muscatine, and Henry Counties, IA, Leavenworth County, KS, and Buchanan County, MO. Supporting shippers: 23.

MC 145966 (Sub-5–5TA), filed November 23, 1981. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *(a) Foodstuffs and pet foods, and (b) materials, equipment and supplies used in the production and distribution of foodstuffs and pet food*, between the facilities of or utilized by Blue Star Foods, Inc. within the commercial zones of Omaha, NE and Farmingdale, NJ, on the one hand, and, on the other, pts in the U.S. (except AK and HI). Supporting shipper: Blue Star Foods, Inc., 1023 4th St., Council Bluffs, IA 51501.

MC 146717 (Sub-5–3TA), filed November 23, 1981. Applicant: MIDWEST VIKING, INC., 7009 University, Des Moines, IA 50311. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Contract:* irregular *Metal products and related products and materials and supplies used in the manufacture and distribution thereof*, between Dover, NJ; Hampton, VA; LaPorte, IN; Wichita Falls, TX; Plymouth, MI; Milwaukee, WI; Reno, NV; Farmington, CT; Muskegon, MI; Kingsbury, IN; Lancaster, PA; Rockwall, TX; Frederick, MD; and Scottsboro, AL, on the one hand, and, on the other, pts in the U.S. under continuing contract(s) with Pechiney Ugine Kuhlmann Corporation and its subsidiaries, including Howmet Turbine Components Corporation and Howmet Aluminum Corporation. Supporting shipper: Pechiney Ugine Kuhlmann Corporation, 475 Steamboat Road, Greenwich, CT 06830.

MC 146817 (Sub-5–2TA), filed November 23, 1981. Applicant: GEORGE CAVES, d.b.a. CAVES TRUCKING, P.O. Box 29357, Lincoln, NE 68529. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. *Such commodities as are dealt in and used by automotive tire supply stores*, from Johnson County, KS to pts in IA and Adams, Christian, Fulton, Hancock, Henry, Rock Island, Schuyler, and Whiteside Counties, IL. Supporting shipper: Michelin Tire Corporation, Commercial Division, One Marcus Avenue, Lake Success, NY 11042.

MC 149573 (Sub-5–2TA), filed November 23, 1981. Applicant: NTL, INC., P.O. Box 6645, Lincoln, NE 68506. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *Contract*, irregular; *Food and related products* between pts in the U.S. Supporting shipper: Armour Food Company, Greyhound Tower, Phoenix, AZ 85077.

MC 151209 (Sub-5–5TA), filed November 23, 1981. Applicant: GULF WESTERN EXPRESS, INC., P.O. Box 2653, Natchitoches, LA 71457. Representative: John Williams (same as above). *Contract*, Irregular; *Paper bags and/or paper products and related accessories* between points in LA, TX, and MS and points in the U.S. Supporting shipper: Westvaco, New Orleans, LA 70160.

MC 151534 (Sub-5–8TA), filed November 23, 1981. Applicant: R & D TRANSPORTATION CORPORATION, Post Office Box 1908, Des Moines, IA 50306. Representative: Donald B. Strater, 1350 Financial Center, Des Moines, IA 50309. *Metal drywall products and materials, equipment and supplies used in the manufacture and distribution of metal drywall products*, between Douglas County, NE, on the one hand and on the other, pts in the U.S. Supporting shipper: Phillips Manufacturing Co., 4601 S. 76th, Omaha, NE 68127.

MC 153414 (Sub-5–4TA), filed November 23, 1981. Applicant: U.S. POLLUTION CONTROL, INCORPORATED, 2000 Classen Center, Suite 320 South, Oklahoma City, OK 73106. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Acids and chemicals*, between the facilities of Ozark-Mahoning at or near Tulsa, OK, on the one hand, and, on the other, points in IL, KY, MI, MO, and TN. Supporting shipper[s]: Ozark-Mahoning, 5101 West 21st Street, Tulsa, OK 74107.

MC 155371 (Sub-5–3TA), filed November 23, 1981. Applicant: JERRY L. ELLIS, d.b.a. JERRY L. ELLIS TRUCKING COMPANY, 505 Metcalf, Mansfield, TX 76063. Representative: Clint Oldham, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. *Iron and steel pipe*, from Houston, TX to points in TX. Supporting shippers: Intercontinental Pipe & Steel, 8340 Meadow Road, #150, Dallas, TX 75231; Robert R. McClanahan & Associates, 8609 Northwest Plaza, Suite 222, Dallas, TX 75225.

MC 158733 (Sub-5–2TA), filed November 23, 1981. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Ave., S.W., Cedar Rapids, IA 52404. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Popcorn*, from Marshalltown, IA, to AL, AR, CO, GA, IL, IN, KS, KY, LA, MI, MN, MS, MO, NE, NM, ND, OH, OK, PA, SC, SD, TN, TX, WI, and WY. Supporting shipper: Party Pac Popcorn Co., 208½ E. Main Street, Marshalltown, IA 50158.

MC 159291 (Sub-5–1TA), filed November 23, 1981. Applicant: WRIGHT-WAY EXPRESS, LTD., 616—3rd St., N.E., Independence, IA 50644. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Cereal products and oat flour*, between the facilities of National Oats Co. at Cedar Rapids, IA on the one hand, and on the other, pts in IL, MN, MO AND WI. Supporting shipper(s): National Oats Co., 1515 H Avenue, N.E., Cedar Rapids, IA 52402.

MC 159312 (Sub-5–1TA); filed November 23, 1981. Applicant:

WILLIAM R. GAGE, d.b.a. WILLIAM R. GAGE TRUCKING COMPANY, 500 South Virginia Street, Charleston, MO 63834. Representative: Jack L. Schiller, 123–60 83rd Avenue, Kew Gardens, NY 11415. Contract irregular: *meats, meat products, meat by-products and products dealt in by meatpacking houses* betweem Humboldt, Memphis and Nashville, TN, on the one hand, and on the other, Laredo, TX, under continuing contract(s) with Mid West Commodity Export Service of Naples, FL. Supporting shipper: Mid West Commodity Export Services Inc., 3401 N. Tamiami Trail, Suite 208, Naples, FL.

MC 159400 (Sub-5–1TA); filed November 23, 1981. Applicant: AMERICAN PATRIOT LINES, INC., 621 Robert, St. Louis, MO. 63135. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. Contract, irregular; *Such commodities as are dealt in by chain grocery stores and food business houses* between points in the U.S. under a continuing contract or contracts with Lever Brothers Company. Supporting shipper: Lever Brothers Company, New York, NY.

MC 159402 (Sub-5–1TA); filed November 23, 1981. Applicant: B&H TRUCKING, INC., 2230 N. Packer Road, Springfield, MO 65803. Representative: Bruce McCurry, Dickey, Allemann & McCurry, 910 Plaza Towers, Springfield, MO 65804. Contract, irregular; *petroleum and its products* between points in the U.S. Supporting shipper: Pennzoil Products Company, 2625 Wagner Place, Maryland Heights, MO 63042.

MC 159403 (Sub-5–1TA); filed November 23, 1981. Applicant: CHARLES BEUKEMA, Route 1, Box 35, Kanawha, IA 50447. Representative: Richard D. Howe, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Livestock and horse trailers,* from Hancock County, IA, to pts in ID, KS, MT, ND, NE, OR, SD, UT, WA, AZ, CA, WY, and CO. Supporting shipper: Kiefer Built, Inc., P.O. Box 88, Kanawha, Iowa 50447.

MC 159404 (Sub-5–1TA); filed November 23, 1981. Applicant: CLETUS CARY, an individual, d.b.a. OMNI BUS SERVICE, 3419 Craig, Wichita, KS 67216. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. *Passengers in both special and charter operations, together with the baggage of said passengers;* TO, FROM, AND BETWEEN: All points within Sedgwick County, KS, on the one hand; and all points within the states of NM, OK, MO, CO, TX, and AR, on the other hand. Supporting shippers: Zion United Methodist Church Tour Program, Wichita, KS; L & S Machine Employees' Club, Wichita, KS; Emerson Open Alternative School USD #259, Wichita, KS; National Association Of Mature People, Wichita, KS; Education Overland, Wichita, KS.

MC 114284 (Sub-5–14TA), filed November 27, 1981. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, Oklahoma City, OK 73148. Representative: Jack L. Watson (same as above). *Food and related products* from the facilities of Oscar Mayer & Co., Davenport, IA to points in NM, OK, and TX. Supporting shipper: Oscar Mayer & Co., Inc., 910 Mayer Ave., Madison, WI 53704.

MC 115554 (Sub-5–5TA), filed November 25, 1981. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, RR6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Food and related products (except commodities in bulk)* from Linn County, IA to pts in AL, AR, FL, GA, IL, IN, KS, KY, LA, MI, MO, NE, NY, OH, OK, PA, TN, TX, and WI. Supporting shipper: National Oats Co., Inc., 1515 H Ave., N.E., Cedar Rapids, IA 52402.

MC 138218 (Sub-5–1TA), filed November 25, 1981. Applicant: MID-CITY FREIGHT LINES, INC., 100 S. Hudson Street, Buckner, MO 64016. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105–1961. *Vending machines and vending machine parts* between all points in IA, IL, KS, MO and CA. Supporting shipper: The Vendo Company, 7209 N. Ingram, Pinedale, CA 93650.

MC 138469 (Sub-5–47TA), filed November 27, 1981. Applicant: DONCO CARRIERS, INC., 4720 SW 20th, Oklahoma City, OK 73147. Representative: Jack H. Blanshan, Attorney at Law, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Polyethylene, other than liquid,* from Tulsa, OK, to points in the U.S., except AK, HI and OK. Supporting shipper: Armin Plastics of Oklahoma, Inc., 1001 East 54th St., Tulsa, OK 74145.

MC 143389 (Sub-5–5TA), filed November 27, 1981. Applicant: MERCHANTS DUTCH EXPRESS, INC., P.O. Box 2525, Monroe, LA 71207. Representative: James K. Adams (same as above). *Contract,* Irregular; *Paper and paper products, materials, equipment and supplies used in the manufacture and distribution of paper and paper products* between points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MS, MO, NC, OK, OH, SC, TN, TX, WI. Supporting shipper: Georgia-Pacific Corporation, Portland, OR.

MC 145557 (Sub-5–5TA), filed November 25, 1981. Applicant: LIBERTY TRANSPORT, INC., 2501 Nicholson Road, Kansas City, MO 64168. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Food and related products* between points in the U.S. Supporting shipper: John Morrell & Co., 208 South LaSalle, Chicago, IL 60604.

MC 147047 (Sub-5–6TA), filed November 27, 1981. Applicant: CAPITAL WIRE & CABLE CORPORATION d.b.a. C. W. C. TRUCKING COMPANY, P.O. Box 7, Plano, TX 75074. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. *(1) Auto Parts, or Accessories and Materials, Equipment and Supplies used in the manufacture, repair, sale or distribution of Auto Parts or Accessories (2) Wrecked Truck Tractors and Trailers* between TX on the one hand, and, on the other, points in the US. Supporting shipper: A.R.A. Manufacturing Company, P.O. Box 870, Grand Prairie, TX 75050 and Nortex Trailer & Tractor, Inc. 10641 Goodnight Lane, Dallas, TX 75220.

MC 147196 (Sub-5–38TA), filed November 27, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Martin White, P.O. Box 5387, Richardson, TX 75080. *Contract* irregular: *Steel extrusions* between KS, OK, LA, AR on the one hand and Dallas County, TX on the other. Supporting shipper: Long Metals Corporation, Carrollton, TX.

MC 148643 (Sub-5–3TA), filed November 24, 1981. Applicant: MONTY R. COBLE d.b.a. ARK CITY WAREHOUSE CO., 1201 South First St., Arkansas City KS 67005. Representative: Monty R. Coble, (same address as applicant). *Contract;* irregular. *Malt beverages (beer) and empty containers,* from Belleville, IL and St. Louis, MO to Ponco City, OK and return over same route. Supporting shipper: 101 Beverage, Inc., 801 N. First, Ponca City, OK 74601.

MC 152775 (Sub-5–4TA), filed November 25, 1981. Applicant: RAM ROD TRUCKING, INC., P.O. Box 1127, Marrero, LA 70073. Representative: Michael F. Morrone, 1150 17th Street, N.W., Suite 1000, Washington, D.C. 20036. *Contract,* irregular: *metal products* between points in LA, AL, AR, FL, KY, IL, MS, MO, TN, TX and GA under continuing contract(s) with Van Leeuwen Pipe and Tube Corp., Belle Chasse, LA.

MC 153285 (Sub-5–2TA), filed November 25, 1981. Applicant: COSST CHARTER SERVICE, INC., 2834 Hoyte Drive, Shreveport, LA 71108. Representative: Curtis B. Williams, 2621

Randolph St., Shreveport, LA 71108. *Passengers and their baggage, in charter and special operations,* between Shreveport, LA and points within 200 miles of Shreveport, LA on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: 8

MC 154678 (Sub-5–2TA), filed November 25, 1981. Applicant: HAYNES MOTOR LINES, INC., 8475 Florida Boulevard, Baton Rouge, LA 70806. Representative: John A. Crawford, P.O. Box 22567, Jackson, MS 39205. *General commodities (except Classes A and B explosives, commodities in bulk and household goods as defined by the Commission)* between points in AL, on the one hand, and, on the other, points in LA and MS.

Note.—Applicant intends to interline. Supporting shippers: 7.

MC 155595 (Sub-5–18TA), filed November 27, 1981. Applicant: WTR TRANSPORTATION, INC., 3023 Herbert St., Dallas, TX 75215. Representative: Daniel C. Sullivan, 10 S. LaSalle Street, Chicago, IL 60603. *Such commodities as are dealt in or utilized by manufacturers and distributors of wearing apparel,* between Rutherford Co., TN; Kennebec Co., ME; and Fairfield Co., CT; on the one hand, and, on the other, points in the U.S. Supporting shipper: Warnaco, Inc., P.O. Box 186, Murfreesboro, TN 37130.

MC 158660 (Sub-5–1TA), filed November 24, 1981. Applicant: BENJAMIN BRUCE DE CHANSO, d.b.a. B D CONSTRUCTION & TRUCKING CO., 2009 Silver Leaf Drive, Arlington, TX 76013. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Portable toilets, and related materials, equipment and supplies,* between points in the U.S., under continuing contract(s) with Usanco, Inc., of Azusa, CA. Supporting shipper: Usanco, Inc., 837 N. Trent Street, Fort Worth, TX 76119.

MC 158704 (Sub-5–1TA), filed November 27, 1981. Applicant: GEM SERVICE CO., P.O. Box 1259, Burns Flat, OK 73624. Representative: Michael H. Lennox, P.O. Box 75613, Oklahoma City, OK 73147. *Oilfield equipment materials and supplies,* to and from all points in the States of AR, CO, KS, LA, NM, OK, and TX. Supporting shipper: There are three (3) Supporting shippers: Arkla Gas, 525 Milam St., Shreveport, LA 71151; McGuire Industries, P.O. Box 4914, Elk City, OK; Oilfield Leed Rental Ser. Co., P.O. Box 1554, Clinton, OK 73601.

MC 159408 (Sub-5–1TA), filed November 24, 1981. Applicant: H & W DELIVERY, INC., 2009 East Abram St., Arlington, TX 76010. Representative: Clayte Binion, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104. *Medical and hospital supplies, pharmaceutical products, hydraulic pumps, motors, repair parts, sprockets and gears,* Between points in the Fort Worth-Dallas, TX, commercial zone, on the one hand, and, on the other points in OK, NM, LA and AR. Supporting shippers: 5.

MC 159421 (Sub-5–1TA), filed November 24, 1981. Applicant: BROADWAY TRANSPORT, INC., 3310 Quebec, Dallas, TX 75247. Representative: Richard J. Bara, World Wide Plaza, Suite 315, 1155 Sherman Street, Denver, CO 80203. *General commodities,* (except Classes A & B explosives), Between points in AR, LA, MS, NM, OK, and TX. Supporting shippers: 16.

MC 159452 (Sub-5–1TA), filed November 27, 1981. Applicant: GLEN ALDERSON, d.b.a. ALDERSON TRUCKING CO., Box 156, West Bend, IA 50597. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Meat and meat products* between Sedgwick County, KS., on the one hand, and, on the other, pts and places in the states of AR, IL, IA, IN, MD, MI, MN, MO, NE, NY, OH, PA & WI. Supporting shipper: DPM of Kansas, Inc., 800 East 37th Street North, Wichita, KS 67219.

The following applications where filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 159639 (Sub-6–1TA), filed November 18, 1981. Applicant: ACE INDUSTRIES, INC., 634 Bryden, Lewiston, ID 83501. Representative: Camile M. Whitmore (same as applicant). *Contract Carrier:* Irregular Routes, *Lumber and Wood Products, and Building Materials, and Materials used in the manufacture and distribution of the above,* from points in AZ, CA, ID, MT, OR, UT, WA, WY, and B.C., to points in AZ, AR, CA, CO, IA, ID, IL, IN, KS, MI, MN, MO, MS, NE, ND, NM, OH, OK, OR, SD, TX, UT, WA, WI, and WY for the account of Northwest Forest Products, Inc. for 270 days. Supporting shipper: Northwest Forest Products, Inc., 1202 Powers, Lewiston, ID 83501.

MC 159370 (Sub-6–1TA), filed November 17, 1981. Applicant: PAUL KITTIPOL VEJABUL, d.b.a. AMERICAN TOUR AND LEASING, 5230 Clark Ave., Suite No. 12A, Lakewood, CA 90712. Representative: Donald R. Hedrick, POB 4334, Santa Ana, CA 92702. *Passengers with their baggage,* in the same vehicle, in one-way charter operations beginning at points in Los Angeles County, CA and extending to points in Coconino County, AZ and Clark County, NV, for 180 days. Supporting shipper: Takerng Tour Co., Ltd. House 3, Soi Chidlom, Ploenchit, Bangkok, Thailand.

MC 159328 (Sub-6–1TA), filed November 17, 1981. Applicant: DAN DARROW, d.b.a. DARROW TRUCKING, 8185 S. Cole Rd., Boise, ID 83709. Representative: Kevin M. Clark, 1003 N. 8th St., Ste. 200, Boise, ID 83702. *Contract carrier:* irregular routes: *Pressure treated timber products and related products, pre-cut log homes and building materials,* between points in WA, OR, CA, MT, UT, AZ, WY, NV, CO, SD, ND, NE, and ID, for 270 days, an underlying ETA seeks 120 days authority. Supporting shipper: Pressure Treated Timber Company, Inc., 3200 Gowen Rd., Boise, ID 83705.

MC 147727 (Sub-6–2TA), filed November 19, 1981. Applicant: SCOTT DAVIS TRANSPORT, INC., 611 N. Front St., Yakima, WA 98901. Representative: John G. McLaughlin, 101 SW Main St., Rm. 1600, Portland, OR 97204. *Liquid tallow, animal, in bulk,* from points in Walla Walla County, WA to points in ID, OR and WA, for 270 days. An underlying ETS seeks 120 days authority. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, NE 68731.

MC 159371 (Sub-6–1TA), filed November 17, 1981. Applicant: ECCARIUS TRUCKING, 14639 Highland Dr., Grass Valley, CA 95945. Representative: Carl D. Eccarius, (same as applicant). *Manufactured Housing,* from Loomis, CA to final construction sites in NV, AZ, and OR, for 270 days. Supporting shipper(s): Gary Doupnik Manufacturing, Inc., P.O.B. 527, 3415 Swetzer Rd., Loomis, CA 95650.

MC 159372 (Sub-6–1TA), filed November 19, 1981. Applicant: ROBERT L. FISHER, d.b.a. FISHER TRUCKING, 13555 Agate Rd., Eagle Point, OR 97524. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *General commodities* in intermodal containers or vans (except classes A and B explosives, hazardous waste and commodities in bulk in tank vehicles), between Jackson County, OR and Portland, OR with prior or subsequent interstate movement, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Harry and David, 2518 S Pacific Hwy, Medford, OR 97501.

MC 29960 (Sub-6–2TA), filed November 19, 1981. Applicant: GRESHAM TRANSFER, INC., 12008 N.E. Inverness Dr., Portland, OR 97220. Representative: Michael D. Crew, 205 Riviera Plaza, Portland, OR 97201. *Commodities, which because of size or weight require the use of special*

equipment for loading or unloading and *related articles when moving in connection therewith*, from points in Multnomah County, OR, to points in N.D. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Riedel Corporation, 4555 N. Channel, P.O. Box 3320, Portland, OR 97208.

MC 158468 (Sub-6–2TA), filed November 18, 1981. Applicant: HOLIDAY TRANSPORT, INC., P.O. Box F, Alsea, OR 97324 Representative: Nancy A. Crawford (same as applicant). *Contract Carrier*, irregular route, *Lumber and Wood Products; Pulp, Paper and Related Products; Metal Products; Building Materials, and Commodities used in the Manufacture, Sale, and Distribution of the above*, between points in AZ, CA, CO, ID, KS, NE, ND, NM, NV, OK, OR, MO, MI, MN, MT, SD, TX, UT, WA, and WY. Restricted to shipments moving for the account of the Lousiana-Pacific Corporation, for 270 days. Supporting shipper: Lousiana-Pacific Corporation, P.O. Box 158, Samoa, CA 95564.

MC 159329 (Sub-6–1TA), filed November 17, 1981. Applicant: J. E. CASBEER d.b.a. JAY'S MOBILE HOME MOVERS, 173 College Wy., Auburn, CA 95603. Representative: J. E. Casbeer (same as applicant). (1) *Manufactured Housing*, from Loomis, CA to final construction sites in NV, AZ, and OR, for 270 days. Supporting shipper(s): Gary Doupnik Manufacturing, Inc., P.O.B. 527, 3415 Swetzer Rd., Loomis, CA 95650.

MC 159327 Sub-6–1TA, filed November 16, 1981. Applicant: MANUFACTURERS RECYCLYING DISTRIBUTORS, INC., 7014 8th CT. NE., Salem, OR 97303. Representative: Pam E. Moore (same as applicant). (1) *Building Materials, lumber and wood products.* (2) *Waste materials for recycling as part of a conservation program.* (3) *General Commodities, (except A & B explosives, hazardous waste and household goods) in containers and their chasis having prior or subsequent movement by water.* (4) *Steel and steel products* between points in WA and OR for 270 days. Supporting shippers: There are 8 shippers. Their statements may be examined at the Regional Office listed above.

MC 152962 Sub-6–2TA, filed November 19, 1981. Applicant: MILMOE-MAXEY ENTERPRISES, INC., d.b.a. MAXI TRANSPORTATION CO., 7705 Alabama Ave., Camoga Park, CA 91304 Representative: Milton W. Flack, 8383 Wilshire Blvd., Beverly Hills, CA 90211 *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Los Angeles, San Bernardino, Orange, Kern, Contra Costa and Ventura Counties, CA, on the one hand, and, on the other, the Port of Entry on the International Boundary Line between the U.S. and Mexico at or near San Ysidro, CA, restricted to traffic destined to the facilities of Hidro Gas at Tijuana, Mexico, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Western Energy, Inc., P.O. Box 1191, El Toro, CA 92630.

MC 147917 Sub-6–2TA, filed November 16, 1981. Applicant: MELNI BUS SERVICE, INC., 622 Anacapa St., Santa Barbara, CA 93101. Representative: William J. Monheim, P.O. B. 1756, Whittier, CA 90609. *Passengers and their baggage* in round trip charter operations, beginning and ending at Los Angeles and Orange Counties, CA, and extending to points in CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sports America Tours, Inc., 359 Bel Marin Keys Blvd., #28, Novato, CA 94947.

MC 142935 Sub-6–4TA, filed November 16, 1981. Applicant: PLASTIC EXPRESS, 2301 E. Francis St., Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Food and Related Products*, between the plantsite of Rod's Food Products, Inc. located in the City of Industry, CA on the one hand, and, on the other, points in ND, SD, NB, KS, MN, IA, MO, AR, LA, MS, AL, TN, KY, OH, IN, MI, WI, and IL, for 270 days. Supporting shipper: Rod's Food Products, Inc., 17380 Railroad Street, City of Industry, CA 91748.

MC 159055 Sub-6–1TA, filed November 16, 1981. Applicant: WHITTLESEA BELL LUXURY LIMOUSINE, 1910 Industrial Road, Las Vegas, NV 89102. Representative: Michael W. Dyer, 50 W. Liberty, Suite 610, Reno, NV 89501. (1) *Passengers and their hand baggage* in seven passenger chauffeur driven limousine service between points in Clark County, NV, on the one hand and, on the other, points in CA, AZ, and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 7 shippers. Their statements may be examined at the Regional Office listed.

Agatha L. Mergenovich,

Secretary.

[FR Doc 81-34670 Filed 12-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be

satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–313

Decided: November 25, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 136200 (Sub-2), filed November 16, 1981. Applicant: ACE VAN & STORAGE COMPANY, P.O. Box 602, Escondido, CA 92025. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds; and (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159271, filed November 13, 1981. Applicant: SAM RUCKER and FAYTH LEE RUCKER, d.b.a. METRO AIRPORT BLACK AND WHITE CAB COMPANY, 3646 Harrison, Inkster, MI 48141. Representative: Alex J. Miller, 555 S. Woodward Ave., Suite 512, Birmingham, MI 48011, (313) 647–3350. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–4–462

Decided: November 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 42487 (Sub-1055), filed November 18, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V.R. Oldenburg, P.O. Box 3062, Portland, OR 97208. Transporting *general commodities*, between Dodge, WA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrieer service for abandoned rail service.

Volume No. OPY–5–210

Decided: November 24, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 143098 (Sub-4), filed November 13, 1981. Applicant: LAUGHLIN TRUCKING, INC., Rt. 1, Box 95, Carlton, OR 97111. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 159249, filed November 12, 1981. Applicant: J.K.J. TRUCKING, INC., 7131 Fisher Woods Rd., Indian River, MI 49749. Representative: Kathleen R. Clark, (same address as applicant), (616) 238–8489. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–5–213

Decided: November 25, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 147958 (Sub-3), filed November 17, 1981. Applicant: EMILE R. CARUFEL, d.b.a. CARUFEL REFRIGERATED SERVICE, 21109 91st E. Bonney Lake, Sumner, WA 98390. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156329, filed November 13, 1981. Applicant: CHISM, INC., 2160 E. Thoman, Springfield, MO 65803. Representative: Robert Jarvis, (same address as applicant), 417–865–4127. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 159259, filed November 13, 1981. Applicant: NORTH LAKE TRANSPORT, INC., 217 Elmhurst Ave., Elmhurst, IL 60126. Representative: Anthony E. Young, 29 South LaSalle St., Chicago, IL 60603, 312–782–8880. (1) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.; and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-34059 Filed 12-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisditional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authority documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–312

Decided: November 25, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2060 (Sub-16), filed November 13, 1981. Applicant: PINE HILL-KINGSTON BUS CORP., d.b.a. PINE HILL TRAILWAYS, 411 Washington Ave., P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, DC 20004, (202) 628–2060. Over regular routes, transporting *passengers and their baggage, and express and newspapers in the same vehicle with passengers*, (1) between Oneonta and Kingston, NY, from Oneonta over NY Hwy 23 to NY Hwy 296, then over Ny Hwy 296 to NY Hwy 23A, then over NY Hwy 23A to Palenville, then over NY Hwy 32A to NY Hwy 32, then over NY Hwy 32 to Saugerties, then over Interstate Hwy 87 to Kingston, and return over the same route (2) between junction NJ Hwy 17 and Interstate Hwy 80 and New York, NY, from junction NJ Hwy 17 and Interstate Hwy 80 over Interstate Hwy 80 to junction Interstate Hwy 95, then over Interstate Hwy 95 to New York, and return over the same route, serving junction NJ Hwy 17 and Interstate Hwy 80 for purposes of joinder only, and (3) between New York, and Freeport, NY, from New York, over NY Hwy 25 to NY Hwy 25B, then over NY Hwy 25B to Mineola, then over Mineola Boulevard and Franklin Ave. to Hempstead, then over Henry St., Greenwich St., Nassau Rd., and Main St., to Freeport, and return over the same route, serving all intermediate points in connection with routes (1) to (3) above, and restricted to the transportation of passengers or a package express originating at or destined to a point on its service routes in (3) above.

MC 64190 (Sub-2), filed November 13, 1981. Applicant: TREMBLAY MOVING & STORAGE CO., INC., 551–561 Whittenton St., Taunton, MA 02780. Representative: Armand J. Tremblay (same address as applicant), (617) 822–2026. Transporting *household goods*, between points in MA, on the one hand, and, on the other, points in CT, DE, FL, GA, ME, MD, MI, NH, NJ, NC, NY, OH, PA, RI, SC, VT, VA, WV, and DC.

MC 87451 (Sub-15), filed November 13, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 31, Sterling Road, N. Billerica, MA 01862–0031. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 663–4300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Riley Stoker Corporation, of Worcester, MA, Courier Citizen Co., of Lowell, MA, and Daivdson Industries, Inc., of Holden, MA.

MC 88161 (Sub-101), filed October 16, 1981. Applicant: INALND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle, WA 98108. Representative: Richard J. Howard, 3201 The Bank of California Center, Seattle, WA 98164, (202) 464–4224. Transporting (1) *commodities in bulk*, and (2) *fertilizers, resins, catalysists, polyurethane foam, and glass fibre roving*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 113271 (Sub-82), filed November 16, 1981. Applicant: TRANSYSTEMS, INC, P.O. Box 399, Black Eagle, MT 59414. Representative: Patrick W. Rice, P.O. Box 2644, Great Falls, MT 59403, (406) 727–7500. Transporting *salt*, between points in UT and points in MT, WY, ID and WA.

MC 126091 (Sub-19), filed November 18, 1981. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *metal products*, between Steubenville, OH, on the one hand, and, on the other, points in IA, NJ, MO, OK, LA, TN, GA, and MI.

MC 134671 (Sub-4), filed November 13, 1981. Applicant: RICHARD F. MILLAR, d.b.a. RICHARD F. MILLAR TRUCKING, 16742 Bygrove, Covina, CA 91722. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting *charcoal, charcoal briquets, hickory chips, charcoal lighter fluid, and related products*, between points in the U.S., under continuing contract(s) with Husky Industries, Inc., of Atlanta, GA.

MC 140201 (Sub-9), filed November 12, 1981. Applicant: SONELL, INC., P.O. Box 228, Flourtown, PA 19031. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street, NW., Washington, DC 20005, (202) 783–7900. Transporting *containers, closures, and chemicals and related products*, between points in the U.S.

MC 142181 (Sub-25), filed November 13, 1981. Applicant: COBLE EXPRESS, INC., P.O. Box 1104, 214 Hermitage Ave., Nashville, TN 37202. Representative: Robert L. Baker, Sixth Floor, United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Transporting *such commodities* as are dealt in or used by a manufacturer of trucks and automobiles, between points in Rutherford County, TN, on the one hand, and, on the other, points in the U.S.

MC 143311 (Sub-14), filed November 16, 1981. Applicant: FAMCO TRANSPORT, INC., 6640 Ellis Avenue South, P.O. Box 80007, Seattle, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624–2832. Transporting *materials, equipment and supplies* used by medical laboratories and hospitals, between points in the U.S., under continuing contract(s) with Hospital Supply Corporation, of Santa Ana, CA.

MC 145760 (Sub-18), filed November 13, 1981. Applicant: JOHNSON TRANSPORTATION CO., 1327 Highway 13 North, Columbia, MS 39429. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, (601) 355–3543. Transporting *air conditioning equipment and furnaces*, between points in Warren, Davidson, and Rutherford Counties, TN, on the one hand, and, on the other, points in AL, GA, FL, LA, MS, and TX.

MC 146191 (Sub-5), filed November 3, 1981. Applicant: JOHN I. RICKETTS, d.b.a. RICKETTS TRUCKING, 1001 West Magnolia, Phoenix, AZ 85007. Representative: A. Michael Bernstein,

1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *such commodities* as are dealt in or used by grocery stores, between points in the U.S., under continuing contract(s) with A. J. Bayless Markets, Inc., of Phoenix, AZ.

MC 147761 (Sub-4), filed November 13, 1981. Applicant: STEEL EXPRESS, INC., P.O. Box 5217, Lake Station, IN 46405. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *metal products*, (1) between points in IL and IN, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, MO, OH, OK, PA, TN, TX, WV, and WI, and (2) between Detroit, MI, on the other, points in Morgan County, AL, and Davidson County, TN.

MC 150301 (Sub-12), filed November 16, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Meijer, Inc., of Grand Rapids, MI.

MC 150301 (Sub-13), filed November 16, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), between points in the U.S., under continuing contract(s) with American Seating Company, of Grand Rapids, MI.

MC 150360 (Sub-3), filed November 13, 1981. Applicant: KENNEDY CO., INC., d.b.a. BRENNAN TRANSPORTATION SERVICES, Pike Road, Mt. Laurel, NJ 08054. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. and Cottman St., Jenkintown, PA 19046, (215) 576–0131. Transporting *general commodities* (except classes A and B explosives), between points in Philadelphia, Bucks, Montgomery, Chester, York, Northampton, Lehigh and Berks Counties, PA, Fairfield County, CT, Anne Arundel, Baltimore, Cecil, Harford, and Howard Counties, MD, Nassau, Staten Island, Orange, Rockland, Westchester, Putnam and Schenectady Counties, NY, and those in DE and NJ.

MC 157820, filed November 16, 1981. Applicant: BARRY TOTH, 600 Lake Martha Dr., N.E., Winter Haven, FL 33880. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *such commodities* as are dealt in or used by retail ice cream and confectionery stores, between points in Westchester County, NY, Bergen County, NJ, and Hampden and Suffolk Counties, MA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158580, filed November 16, 1981. Applicant: MARVIN K. HICKMAN, d.b.a. HICKMAN TRANSPORTATION CO., 19750 Southland Road, Jackson Center, OH 45334. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *waterbed furniture*, between points in Hardin, Maury, Williamson, and Davidson Counties, TN, on the one hand, and, on the other, points in the U.S. (except HI).

MC 159201, filed November 9, 1981. Applicant: R.C.X., INC., d.b.a. RIVER CITY EXPRESS, 1700 North 11th St., St. Louis, MO 63106. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives), between St. Louis, MO, on the one hand, and, on the other, points in MO, IL, IN, OH, IA, KY, MI, and WI.

MC 159280, filed November 13, 1981. Applicant: BOWMAN GIN CO., INC., Pine Street, P.O. Box 246, Bowman, SC 29018. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211, (803) 799–9122. Transporting *nitrogen fertilizer solutions*, between Garden City, Port Wentworth, and Savannah, GA, on the one hand, and, on the other, points in SC.

Volume No. OPY–3–221

Decided: November 30, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 120514 (Sub-3), filed November 18, 1981. Applicant: WICKER SERVICES, INC., P.O. Box 1398, Burlington, NC 27215. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *general commodities* (except classes A and B explosives and household goods.), between points in Alamance County, NC, on the one hand, and, on the other, points in Pittsylvania County, VA.

MC 135185 (Sub-68), filed November 19, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5859. Transporting *malt beverages*, between points in the U.S. (except AK and HI), under continuing contracts with Pabst Brewing Company, Premier Malt Products, Industrial Products Division, Inc., and Blitz Weinhart Brewing Co.

MC 145074 (Sub-1), filed November 18, 1981. Applicant: FREDERICKSEN TANK LINES, INC., 850 Delta Lane, P.O. Box 717, West Sacramento, CA 95691. Representative: Michael S. Rubin, 256 Montgomery Street, Fifth Floor, San Francisco, CA 94104, (415) 421–6743. Transporting *petroleum and petroleum products*, in bulk, in tank vehicles, between points in CA, NV, AR, OR, WA, ID, UT, CO, MT and WY.

MC 147304 (Sub-4), filed November 19, 1981. Applicant: MONTE L. THOEN and DORIS R. THOEN, d.b.a. THOEN TRUCK RENTALS, 13124 N W Sue St., Portland, OR 97229. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *food and related products*, (1) between points in OR, WA, and CA, and (2) between points in OR, WA, and CA on the one hand, and, on the other, points in ID, MT, UT, WY, CO, NM, AZ, NV, and TX.

MC 147494 (Sub-5), filed November 19, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Box 6161, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting (1) *machinery*, and *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Anel Engineering Industries, Inc., of Winona, MS, (2) *metal products, rubber and plastic products*, and *jute bagging*, between points in the U.S. (except AK and HI), under continuing contract(s) with L. P. Brown Company, Inc., of Memphis, TN, and (3) *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Piper Industries, Inc., of Memphis, TN.

MC 149324 (Sub-3), filed November 18, 1981. Applicant: BLACK ARROW TRANSPORT, INC., 200 Chestnut Street, P.O. Box 1924, Springfield, MA 01101. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under a continuing contract(s) with General Electric Company, Distribution Equipment Division, of Plainville, CT.

MC 149484 (Sub-5), filed November 17, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite 510, 8133 Leesburg Pike, Vienna, VA 22180, (703) 442–8330. Transporting *machinery*, between points in the U.S.

(except AK and HI), under continuing contract(s) with General Electric Company of Louisville, KY.

MC 157375 (Sub-3), filed November 17, 1981. Applicant: WINDY HILL FOLIAGE, INC., P.O. Box 1642, Eustis, FL 32726. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *pulp, paper and paper products,* between points in WI, on the one hand, and, on the other, points in AL, GA, FL, LA, MS and TX.

MC 159345, filed November 18, 1981. Applicant: SCHEELER BUS SERVICE, 719 Old Joppa Rd., Joppa, MD 21085. Representative: Geary B. Scheeler (same address as applicant), (301) 877–1658. Transporting *passengers and their baggage,* beginning at points in Baltimore and Harford Counties, MD and extending to points in NJ, PA, VA, DE and DC.

MC 159364, filed November 19, 1981. Applicant: BENTON TRANSPORTATION, INC., 905 S. Cuyler, Oak Park, IL 60304. Representative: Patrick H. Smyth, 105 W. Madison Street, Suite 1008, Chicago, IL 60603, (312) 263–2397. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under a continuing contract(s) with Utility Trailer Manufacturing Co., of City of Industry, CA.

Volume No. OPY–4–461

Decided: November 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 32967 (Sub-6), filed November 10, 1981. Applicant: ATLANTIC COAST EXPRESS, INC., 2170 N. Fleet St., Elizabeth, NJ 07201. Representative: Edward D. Greenberg, 1054 Thirty-first St., N.W., Washington, D.C. 20007, (202) 342–5200. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI) under continuing contract(s) with Atlantic Container Line, of New York, NY.

MC 70267 (Sub-20), filed November 17, 1981. Applicant: ECKERT TRUCKING, INC., 1090 E. Springettsbury Ave., York, PA 17405. Representative: David Zimmerman (same address as applicant), (717) 843–0995. Transporting *building materials,* between those points in the U.S. in and east of MN, IA, KS, OK, and TX.

MC 110817 (Sub-33), filed November 17, 1981. Applicant: E. L. FARMER & COMPANY, 300 S. Grant St., P.O. Box 3512, Odessa, TX 79760. Representative: James R. Boyd, 100 Perry Brooks Bldg., Austin, TX 78701, (512) 476–8066. Transporting (1) *those commodities which because of their size or weight require the use of special handling or equipment,* and (2) *contractor's equipment, machinery and lumber,* between points in the U.S. (except HI).

MC 121517 (Sub-22), filed November 17, 1981. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., 2120 N. 161st E. Ave., Tulsa, OK 74112. Representative: Jerry C. Slaughter (same address as applicant), (918) 438–0550. Transporting *gypsum and gypsum products; building materials; paper and paper products; chemicals;* and *plastic products,* between points in the U.S. (except AK and HI).

MC 127187 (Sub-59), filed November 17, 1981. Applicant: FLOYD DUENOW, INC., P.O. Box 86, Savage, MN 55378. Representative: Williams J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340–0808. Transporting *fertilizer and agricultural chemicals,* between points in the U.S. (except AK and HI).

MC 138777 (Sub-12), filed November 17, 1981. Applicant: FETZ INCORPORATED, P.O. Box 47685, Doraville, GA 30362. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326, (404) 237–6472. Transporting (1) *vegetable oils,* between points in Hall County, GA, on the one hand, and, on the other, those points in the U.S. in and east of IA, KS, MN, NE, OK, and TX; (2) *chemicals and allied products,* between points in Partow County, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI); (3) *petroleum and petroleum products, and chemicals and allied products,* between points in AL, FL, GA, NC, SC, and TN.

MC 141917 (Sub-4), filed November 17, 1981. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Rd., Baltimore, MD 21237. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879, (301) 840–8565. Transporting *clay, concrete, glass and stone products,* between Baltimore, MD, and points in Baltimore County, MD, on the one hand, and, on the other, points in NJ, NY, VA, PA, DE, WV, MD, and DC.

MC 155937 (Sub-2), filed November 17, 1981. Applicant: INTERNATIONAL BUS SERVICES, INC., 262 Monitor St., Brooklyn, NY 11222. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021, (516) 482–0681. Over regular routes, transporting *passengers and their baggage,* between Garden Bay Manor, NY and Atlantic City, NJ, serving intermediate and off-route points in Queens and Kings Counties, NY, from junction Ditmars Blvd. and 31st St. in Garden Bay Manor, over 31st St. to junction Northern Blvd., then over Northern Blvd. to junction Jackson Ave., then over Jackson Ave. to junction McGuinness in Kings County, NY, then over McGuinness to junction Interstate Hwy 278, then over Interstate Hwy 278 to and over Verrazzano-Narrows Bridge, continuing on Interstate Hwy 278 to junction Interstate Hwy 95 at or near Linden, NJ, then over Interstate Hwy 95 to junction Garden State Parkway, at or near Woodbridge, NJ, then over Garden State Parkway to junction Atlantic City Expressway, at or near Pleasantville, NJ, then over Atlantic City Expressway to Atlantic City, also from junction McGuinness and Box St., over Box St., to junction Manhattan, then over Manhattan to junction Leonard, then over Leonard to junction Norman Ave., then over Norman Ave. to junction McGuinness, all at or near Greenpoint, Kings County, NY.

MC 156387 (Sub-3), filed November 18, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, R.R. #2, Dow City, IA 51528. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting (1) *chemicals and related products,* and (2) *such commodities* as are dealt in or used by the manufacturers and distributors of fertilizer and fertilizer compounds, between points in IA, MN, SD, and NE.

MC 159307, filed November 16, 1981. Applicant: SANDY'S AUTO & TRUCKING SERVICE, INC., 139 Bayard St., Dayton, OH 45402. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *transportation equipment,* between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159317, filed November 17, 1981. Applicant: B & G TRUCKING & OIL FIELD HAULING, INC., 402 Emerald Dr., Rock Springs, WY 82901. Representative: Gail L. Rasgorshek (same address as applicant) (307) 382–6808. Transporting (1) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products; and (2) *machinery, equipment, materials, and supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment;

and (b) the completion of holes or wells drilled, between points in WY, CO, ID, MT, ND, SD, UT, NV, and NM.

MC 159337, filed November 17, 1981. Applicant: GWNCO TRANSPORT, INC., 9262 Zinnia Lane, Maple Grove, MN 55369. Representative: Katherine E. Sasseville, Suite 400–WDAY Tower, 808 Third Ave., South, Fargo, ND 58103 (701) 280–2800. Transporting (1) *petroleum, natural gas, coal, and their products,* and (2) *agricultural chemicals,* between points in IL, IA, MN, MT, NE, ND, SD, WI, WY, and the Upper Peninsula of MI.

MC 159347, filed November 18, 1981. Applicant: O. ZIMMERMAN TRUCKING, P.O. Box 171, 133d St., Cedar Lake, IN 46303. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second St., Elkhart, IN 46516 (219) 293–3597. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI) under continuing contract(s) with Nalco Company, of Oak Brook, IL.

MC 156387 (Sub-2), filed November 18, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, Rural Route #2, Dow City, IA 51528. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114 (402) 397–9900. Transporting *such commodities* as are used or dealt in by manufacturers and distributors of printed matter, between points in the U.S. (except AK and HI) under continuing contract(s) with Riverside Book and Bible Co., Inc., and/or World Publishing Co., Inc. of Iowa Falls, IA.

Volume No. OPY–4–463

Decided: December 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 105656 (Sub-19), filed November 19, 1981. Applicant: PASQUALE TRUCKING COMPANY, INC., P.O. Box 295, Loganport, IN 46947. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068 (312) 698–2235. Transporting *clay, concrete, glass or stone products,* between points in Thomas County, GA, and Tippah County, MS, on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, PA, and WI.

MC 110746 (Sub-4), filed November 19, 1981. Applicant: PARKS MOVING & STORAGE, INC., 740 Commonwealth Dr., Thorn Hill Industrial Park, Warrendale, PA 15086. Representative: John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219 (412) 471–1800. Transporting *household goods,* (1) between points in and east of MN, IA, NE, CO, OK, and TX, and (2) between points in PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143776 (Sub-36), filed November 20, 1981. Applicant: C. D. B., INCORPORATED, 155 Spaulding Ave., SE, Grand Rapid, MI 49506. Representative: C. Michael Tubbs (Same address as applicant) (800) 253–9527. Transporting *metal products* between points in the U.S. (except AK and HI), under continuing contract(s) with the Cerco Stak-Pal Corporation, of Rome, GA.

MC 149616, (Sub-4), filed November 19, 1981. Applicant: R. C. R., INC., Box 157, Yutan, NE 68073. Representative: Donald L. Stern, Suite 610 7171 Mercy Rd., Omaha, NE 68106 (402) 392–1220. Transporting *food and related products,* between points in Dawson and Kearney Counties, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157626, filed November 17, 1981. Applicant: FREIGHT FORWARDER TRANSPORT, INC., 5150 Brighton, Denver, CO 80216. Representative: Charles J. Kimball, 1600 Sherman St. #665, Denver, CO 80203 (303) 839–5856. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Acme Fast Freight, Inc., of Los Angeles, CA, and Freight Forwarder, Inc., of Denver, CO.

MC 157956, filed November 19, 1981. Applicant: NEWHAVEN DISTRIBUTION SERVICES, INC. c/o William E. Schiffer, Jr., 47 Crabtree Lane, Levittown, NY 11756. Representative: Zoe Ann Page, Suite 2373, One World Trade Center, New York, NY 10048 (212) 432–0940. Transporting *printed matter,* between points in the U.S. (except AK and HI), under continuing contract(s) with World Color Press Inc., of Effingham, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–34901 Filed 12–4–81; 8:45 am]

BILLING CODE 7035–01–M

LEGAL SERVICES CORPORATION

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant appliation or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *."

The Legal Services Corporation hereby announces publicly that it is considering the grant appication submitted by:

Capital Area Legal Services in Baton Rouge, Louisiana to serve Ascension, Asumption, LaFourche, Iberville, Pointe Coupee, St. James, St. John the Baptist and Terrebonne Parishes.

Interested persons are hereby invited to submit written comment or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street NE, 9th Floor, Atlanta, GA 30308.

Clinton Lyons,

Director, Office of Field Services.

[FR Doc 81–35005 Filed 12–4–81; 8:45 am]

BILLING CODE 6820–35–M

Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355a, 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

New Orleans Legal Assistance Corporation in New Orleans, Lousiana to serve St. Charles Parish.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street, NE, 9th Floor, Atlanta, GA 30308.

[FR Doc. 81–35006 Filed 12–4–81; 8:45 am]

BILLING CODE 6820–35–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-443A and 50-444A

Public Service Co. of New Hampshire, et al.; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Public Service Company of New Hampshire, et al.,[1] pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix L. This information concerns a proposed additional ownership participant, the Canal Electric Company (Canal) in the Seabrook Station, Units 1 and 2. The change involves the transfer of ownership from the Commonwealth Electric Company to Canal.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for two pressurized water reactors. Construction was authorized on July 7, 1976 at the Seabrook site located in Rockingham County, New Hampshire.

The original application was docketed on July 9, 1973, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on August 9, 1973 (38 FR 21522). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Applicants' Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the **Federal Register** on October 19, 1981 (46 FR 51330).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03883.

Any person who wishes to have his views on the antitrust matters with respect to the Canal Electric Company presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation, on or before January 29, 1982.

Dated at Bethesda, Maryland, this 16th day of November 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-34273 Filed 11-27-81; 8:45 am]

BILLING CODE 7590-01-M

[1] The current applicants for the operating licenses for Seabrook Station are: Bangor Hydro-Electric Company, Central Maine Power Company, Central Vermont Public Service Corporation, Commonwealth Energy Systems, Connecticut Light & Power Company, Fitchburg Gas & Electric Light Company, Hudson Light & Power Department, Maine Public Service Company, Massachusetts Muncipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, Public Service Company of New Hampshire, Taunton Municipal Lighting Plant, The United Illuminating Company, and Vermont Electric Cooperative, Inc.

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, CE 037-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Applicability of Existing Regulatory Guides to the Design and Operation of an Independent Spent Fuel Storage Installation" and is intended for Division 3, "Fuels and Materials Facilities." The purpose of this draft guide is to identify existing regulatory guides that may be applicable in whole or in part to the design and operation of an independent spent fuel storage installation. Applicable regulatory positions in each guide are identified and briefly described. The portions of the NRC regulations addressed by the regulatory positions are also identified and other pertinent information is provided.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value-impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by February 5, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 30th day of November 1981.

For the Nuclear Regulatory Commission.

G. A. Anlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 81-35033 Filed 10-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New

Smyrna Beach, City of Ocala, Orlando Utilities Commission and the City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications (TSs) for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (CR-3) located in Citrus County, Florida.

The amendment deletes 4 hydraulic shock suppressors (snubbers) from Table 3.7-3 of the CR-3 TSs and adds a definition of "operable" for hydraulic snubbers in locations outside the reactor buiding during Cycle 4 operation.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated November 17, 1981, (2) Amendment No. 45 to License No. DPR-72, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of November 1981.

For the Nuclear Regulatory Commission.

Peter B. Erickson,

Acting Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-35029 Filed 12-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of the date of issuance.

The amendment changes License Conditions 2.C.(1) and the Technical Specifications to authorize operation of St. Lucie Unit 1 at 2700 Megawatts thermal power. The previously authorized maxmimum power level was 2560 Megawatts thermal.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the Federal Register on January 15, 1981 (46 FR 3686). No request for a hearing or petition for leave to invervene was filed following notice of the proposed acton.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated June 1973.

For further details with respect to this action, see (1) the applications for amendment dated November 14, 1980 and September 28, 1981, (2) Amendment No. 48 to License No. DPR-67, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 23rd day of November, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-35028 Filed 12-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289 (Restart)]

Metropolitan Edison Co. et al. (Three Mile Island Nuclear Station, Unit 1); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following members to serve as the Appeal Board for that portion of this restart proceeding concerned with plant design and procedures, separation of TMI-1 and TMI-2 and emergency planning:

Gary J. Edles, Chairman
Dr. John H. Buck
Dr. Reginald L. Gotchy

The Panel members heretofore assigned to the Appeal Board for this proceeding (46 FR 55026) will remain responsible for hearing the pending appeals from the Licensing Board's August 27, 1981, partial initial decision on the management qualifications of the licensee as well as any appeals which may be taken from any decision which the Licensing Board may issue on the matters relating to operator license examination cheating covered by that Board's September 9, 1981 order reopening the record on management qualification issues.

Dated: November 30, 1981.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 81-35030 Filed 12-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443-OL and 50-444-OL]

Public Service Co. of New Hampshire, et al.; Establishment of Atomic Safety and Licensing Board to Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.711, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and

Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Public Service Co. of New Hampshire, et al.

Seabrook Station, Units 1 and 2

Construction Permit Nos. CPPR-135 and CPPR-1336

This Board is being constituted pursuant to a notice published by the Commission on October 19, 1981, in the **Federal Register** (46 FR 51330-32) entitled, "Receipt of Application for Facility Operating Licenses; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating License; and Notice of Opportunity for Hearing."

The Board is comprised of the following administrative judges:

Helen Hoyt, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Emmeth A. Luebke, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Oscar H. Paris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland this 30th day of November 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-35031 Filed 12-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Facility Operating License No. DPR-33, Amendment No. 74 to Facility Operating License No. DPR-52, and Amendment No. 47 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Alabama, and the Licenses for Unit Nos. 1 and 2. The amendments are effective as of the date of issuance.

These amendments change the Technical Specifications to add operability and surveillance requirements on fire doors and dampers and delete two paragraphs from the licenses for Unit Nos. 1 and 2 which are no longer pertinent since the conditions have been completed.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 4, 1981, as supplemented by letter dated April 29, 1981, (2) Amendment No. 78 to License No. DPR-33, Amendment No. 74 to License No. DPR-52, and Amendment No. 47 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of November 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 81-35032 Filed 12-4-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

December 2, 1981.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available).

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting

requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statemnent, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202–447–6201

New

• Food and Nutrition Service
WIC Program—Regulation, application burden
Other—See SF83
Individuals or households/State or local governments/businesses or other institutions
Low income hhlds., State and local health agncs., food stores
SIC: 881, 943, 540
Food and nutrition assistance, 4,100,808 responses; 355,030 hours; $269,800 Federal cost; $1,642,330 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

Participants, local and State agencies must apply to obtain program benefits. Applications from participants are used to verify eligibility. Applications from local and State agencies are to check ability to administer the program effectively.

• Food and Nutrition Service
WIC Program—Regulations, recordkeeping burden
Other—See SF83
Individuals or households/State or local governments/businesses or other institutions
Low income hhlds., State and local health agncs., food stores
SIC: 881, 943, 540
Food and nutrition assistance, 3,038,325 responses; 88,048 hours; $33,600 Federal cost; $880,480 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

WIC regulations require State and local agencies to retain certain records in order to document actions and to evaluate compliance with program requirements with OMB circulars.

Revisions

• Food and Nutrition Service
WIC Program—Regulations, reporting burden
Other—See SF83
Individuals or households/State or local governments/businesses or other institutions
Low income hhlds., State and local health agnces., food stores
SIC: 881, 943, 540
Food and nutrition assistance, 56,658 responses; 134,380 hours; $1,108,400 Federal cost; $1,059,850 public cost; 1 form; not applicable under 3504(h)
Nell Minow, 202–395–7340

Reporting burdens of WIC regulations are used to monitor State and local agency management and regulatory compliance and to plan program activities in an effective manner. WIC food delivery regulations will improve accountability in program operations and will reduce fraud and abuse, especially among food vendors.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202–377–3627

New

• Bureau of the Census
1982 Census of manufacturers
Nonrecurring
Businesses or other institutions
Manufacturing establishments
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce, 1 response; 1 hour; 201 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The 1982 Economic Censuses, conducted under the provision of Title 13, constitute the primary source of facts about the structure and functioning of a large segment of the economy, and as such, provide essential information for government, business, and the general public. They furnish an important part of the framework for the national accounts and serve as a benchmark for key economic indicators.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703–697–1195

New

• Departmental and Others
DLA Vendor shipping point survey
Nonrecurring
Businesses or other institutions
Mfgrs. that fill significant contract lines for DLA, etc.
SIC: Multiple
Small businesses or organizations
Department of Defense—Military, 450 responses; 113 hours; $162 Federal cost; 1 form; not applicable under 3504(h)
Kenneth B. Allen, 202–395–3785

Provides vender shipping points to each of the six primary DLA depots from vendors that have filled contract lines in the last three years for NSN's generating significant transportation costs to DLA.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–7304

New

• Office of Special Education and Rehabilitative Services
Three year State plan for vocational rehabilitation services
ED (RSA)—SPVR
Annually
Other—See SF83
State or local governments
State VR agencies
SIC: 944
Social services, 82 responses; 1,640 hours; $16,400 Federal cost; $16,400 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

This form fulfills the requirements for a State plan as stipulated in the Rehab Act. The plan serves as the basis for flowing monies to the States under Title I of Pub. L. 93–112. This plan covers the period FY 1983 through 1985.

• Office of Elementary and Secondary Education
Financial status report
ED 362–1
Annually
State or local governments

State educational agencies
SIC: 822
Elementary, secondary, and vocational education, 51 responses; 255 hours; $510 Federal cost; $1,020 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Grantees are required to file a financial status report annually in accordance with Education Department grants, administrative regulations and the Department of Education's general administration regulations. The information collected will be used for future programmatic decisions.

• Office of Vocational and Adult Education
State plan for adult education
652
Other—See SF83
State or local governments
State education agencies
SIC: 941
Elementary, secondary, and vocational education, 57 responses; 11,400 hours; $20,000 Federal cost; $114,000 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

To receive Federal funds for adult education programs, States must submit State plans.

• Office of Vocational and Adult Education
Financial status and performance reports for the adult education State program
365, 365–1
Annually
State or local governments
State education agencies
SIC: 999
Elementary, secondary, and vocational education, 57 responses; 570 hours; $2,400 Federal cost; $5,700 public cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

Regulations require all grantees to report on the status of funds and the performance of activities conducted. Data collected are needed for the purposes of accounting for the expenditure of funds and for assessing the effectiveness of the carrying out of State plans under the adult education State program.

• Departmental Management
State education activities on local education agencies and schools
870
Nonrecurring
State or local governments
21 LEAS, 8 SEAS, 122 schools
SIC: 941
Education, training, employment, and social services, 862 responses; 862 hours; $212,434 Federal cost; $8,620 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquistion Council, 202–426–5030

This is a 16 month study designed to serve the needs of Federal policymakers by examining the cumulative effects of Federal and State programs and mandates on the ability of school systems to provide an education to children.

Revisions

• Office of Special Education and Rehabilitative Services
Quarterly cumulative caseload/expenditure report
ED (RSA)—113
Quarterly
State or local governments
State VR agencies
SIC: 944
Elementary, secondary, and vocational education, 336 responses; 638 hours; $20,000 Federal cost; $5,185 public cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

This instrument provides for: Evaluation of State agency productivity, monitoring progress of case loads in 110, SSDI, SSI programs and the severely disabled, and serves to document the number of rehabilitations meeting the substantial gainful employment (SGA) req. for allocation of SSA program funds.

• Office of Special Education and Rehabilitative Services
Annual vocational rehabilitation program/cost report
RSA–2
Annually
State or local governments
State vocational rehabilitation agencies
SIC: 944
Social services, 84 responses; 395 hours; $29,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Data reported will be used to set rehabilitation goals for States, to determine the average cost of services, to determine budget needs, and to provide a base to analyze and respond to ED and GAO audits. It is also used in the annual report to the Congress, which is to include statistical data on rehabilitation services and activities.

• Office of Special Education and Rehabilitative Services
Grant applications under education for the handicapped programs
9037
Annually
Businesses or other institutions
Grantees may be: Coll and univ, non-profit organ, etc.
SIC: 821, 822, 892, 941
Elementary, secondary, and vocational education, 3,040 responses; 92,560 hours; $60,000 Federal cost; $971,880 public cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The application package provides instructions and information necessary for grantees and potential grantees to submit a request for Federal assistance. The information submitted is used by SEP to determine grant eligibility, acceptabiity of applications, and/or amount of grant award.

• Office of Elementary and Secondary Education
Application for grants under civil rights technical assistance and training programs
ED 296
Nonrecurring
State or local governments
State and local education agencies
SIC: 941
Elementary, secondary, and vocational education, 341 responses; 6,820 hours; $5,000 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This application is to be used by State and local education agencies and institutions of higher education for applying for Federal assistance under Title IV of the Civil Rights Act of 1964. Awards are made to help solve problems related to eliminating discrimination on the basis of race, sex and national origin in public elementary and secondary schools throughout the Nation.

Extensions (Burden Change)

• Office of Special Education and Rehabilitative Services
Application for Federal assistance for the National Institute of Handicapped Research
NIHR 792
Annually
State or local governments/businesses or other institutions
Applications for assist can be filed for ST and LCL govts
SIC: 833, 822, 941, 892, 944
Social services, 300 responses; 12,000 hours; $80,500 Federal cost; $126,000 public cost, 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Information in the "application for Federal assistance" will be used to determine the technical merit of the grant proposal, determine eligibility for funding and serve as a basis for negotiation of final grant awards, including award amounts and terms and conditions.

• Office of Special Education and Rehabilitative Services
Financial status and performance report—OSE discretionary grant programs
ED 9037–1 and ED 9037–2
Annually, other—see SF83
State or local governments/businesses or other institutions
Grantees may be: Coll and univ, non-profit organ, etc.
SIC: 821, 899, 822, 941
Elementary, secondary, and vocational education, 1,500 responses; 7,100 hours; $35,006 Federal cost; 2 forms; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This report is used by special education programs to determine whether and to what extent progress is being made by grantees toward achieving project goals and objectives. The financial report is submitted annually and the performance report is due at the end of the grant award period (usually a three year period).

Reinstatements

• Office of Special Education and Rehabilitative Services
Report of vending facility program
RSA–15
Annually
State or local governments
State licensing agencies
SIC: 944
Social services, 54 responses; 448 hours; $7,500 Federal cost; $4,032 public cost; 1 form; not applicable under 3504(h)
Richard Sheppard, 202–395–6880

Indicates the financial health and programmatic impact of the program in terms of earning loss, indicates the most efficient types of stands in terms of return on investment and ability to produce earnings to support an operator. Aimed primarily at ensuring the program's financial accountability and solvency and its meeting the expressed goals in terms of client impact.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Contractor information collection—forged check [1] investigation forms
9014
On occasion
Individuals or households/businesses or other institutions
Medicare beneficiaries, financial institutions, etc.
SIC: 801, 602, 603
Small businesses or organizations
Health, 800 responses; 800 hours; $8,000 public cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA's regional offices, intermediaries, or carriers investigate reports of forged medicare checks. These forms gather information from the beneficiary, bank, and casher of the check.

• Health Care Financing Administration
Contractor's information collections reasonable charge [1] reimbursement
9008
On occasion—Annually
Businesses or other institutions
Part B medicare suppliers (labs, DME suppliers, etc.)
SIC: 801, 807, 809
Small businesses or organizations
Health, 341,913 responses; 56,985 hours; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These carrier forms request: (1) Annual price list data from all labs and durable medical equipment suppliers and (2) equity adjustment data from physicians who protest their reasonable charge fees. The information is used to update the carriers' reasonable charge screens.

• Health Care Financing Administration
Contractors' Information Collections—Comprehensive[1]
Health center forms
9002
Annually
Businesses or other institutions
Comprehensive health centers which are part of a hospital.
SIC: 808, 806
Health: 10 Responses; 160 hours $0 Federal cost; 1 form not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This information is collected from Comprehensive Health Centers which are located in a hospital. It supplements the hospital cost report.

• Health Care Financing Administration
Contractors' Information Collections—HCFA Program[1]
Validation forms
9012
On occasion
Individuals or households/State or local governments/businesses or other institutions
Medicare and medicaid providers and suppliers and State agen
SIC: 919, 801, 805
Health: 130 responses; 390 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA Regional Offices (ROs) contact State medicaid agencies and medicare/medicaid providers/suppliers to validate their program activities. These RO forms solicit validation information.

• Health Care Financing Administration
Contractors' Information Collections—Rural Health[1]
Clinic forms
9001
On occasion, semiannually
Businesses or other institutions
Rural health clinics participating in medicare program
SIC: 808
Small businesses or organizations
Health: 111 responses; 390 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by some intermediaries. Forms include: Request for exception to screening guidelines, description of billing arrangement for nonstaff physicians, and interim payment rates.

• Health Care Financing Administration
Contractors' Information Collections—Federal Rereview[1]
Process
9010
On occasion, monthly
State or local governments
State medicaid agencies
SIC: 919
Health: 10,812 responses; 7,352 hours $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

State medicaid agencies conduct quality control reviews of their eligibility, claims processing, and third party liability findings. HCFA's Regional Office (RO) rereviews a sample of State reviews. This clearance is for RO forms requesting State files and case records.

• Health Care Financing Administration

[1] These reporting forms have been approved for interim use by OMB for one year in order to continue operation of the Medicare Program. However, OMB will continue its reviews of these forms, and will accept comments from health care providers and others based on their experience with these forms through this approval period. Health care providers and reicipients, who are respondents to these Medicare contractor forms, are invited to send comments to Joseph Strnad at the above address, and to the OMB reviewer listed.

Contractors' Information Collections—Overpayments to[1] providers, beneficiaries, and physicians
9005
On occasion
Individuals or households/businesses or other institutions
Hospitals, nursing facilities, physicians and beneficiaries
SIC: 805, 806, 808 809, 801
Small businesses or organizations
Health: 481,000 responses; 360,750 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

This information is used to collect money overpaid to medicare providers, physicians and/or beneficiaries. It is required that these funds be returned to the medicare trust fund. These forms demand repayment of the overpayment and in some instances require additional information to assure the overpayment determination is accurate.

• Health Care Financing Administration
Contractors' Information Collections—Audit Programs[1]
HCFA–9022
Annually
Businesses or other institutions
Hospitals, skilled nursing facilities, home health agencies
SIC: 805, 806, 808, 809
Small businesses or organizations
Health: 4,750 responses; 190,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by intermediaries to gather information during the course of an audit. About one-third of the providers are audited each year.

• Health Care Financing Administration
Contractors' Information Collections—Contractor Program[1]
Integrity forms to verify services
HCFA–9016
On occasion
Businesses or other institutions
Medicare providers part A & B
SIC: 801, 805, 806, 807, 808, 809
Small businesses or organizations
Health: 4,500 responses; 4,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA requires medicare contractors to investigate potential abuse or fraud situations involving medicare providers/suppliers. These intermediary and carrier forms request explanations and/or beneficiary medical records from providers/suppliers.

• Health Care Financing Administration
Contractors' Information Collections—Prior Liability[1]
NCFA–9009
On occasion
Individuals or households/businesses or other institutions
Medicare providers, physicians, and beneficiaries
SIC: 801, 804, 805, 806, 808
Small businesses or organizations
Health: 855,901 aresponses; 71,325 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by intermediaries and carriers to collect information on the possible existence of other third-party insurance, specifically, wokman's compensation and veterans administration benefits. Medicare benefits are not paid in these cases.

• Health Care Financing Administration
Contractors' Information Collections—Periodic audit[1] of provider/supplier claims data
HCFA–9015
Annually
Businesses or other institutions
Medicare part A and B providers/suppliers
SIC: 801, 806, 805, 807, 808, 809
Small businesses or organizations
Health: 5,000 responses; 25,000 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

HCFA requires medicare contractors to conduct periodic audits of medicare providers and suppliers. These intermediary and carrier forms request medical and remibursement information on a sample of paid claims.

• National Institutes of Health
Quick Response Survey—Laetrile
Nonrecurring
Individuals or households
Adults 18 years of age in telephone households
Health: 2,500 responses; 417 hours; $33,169 Federal cost; 1 form; $4,170 Public cost; not applicable under 3504(h)
Gwendolyn, Pla, 202–395–6880

This study will give the views of a representative sample of U.S. adults living in telephone households on the use of laetrile as a treatment for cancer.

• Health Care Financing Administration
Contractor Information Collection—Provider Permanent[1]
Reference file
HCFA–9020
On occasion
Business of other institutions
All medicare providers
All medicare providers
SIC: 805, 806, 808, 809
Small businesses or organizations
Health: 14,300 responses; 143,000 hours; $0 Federal cost; 1 form; $1,430,000 Public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These intermediary forms collect background information from all providers when they are admitted to the medicare program. The information constitutes a permanent reference file on the provider. This data is updated as needed.

• Health Care Financing Administration
Contractors' Information Collections Interim Payment[1]
Adjustment forms for HHAS
HCFA–9013
Semiannually
Businesses or other institutions
Home Health Agencies in the medicare program.
SIC: 809
Small businesses or organizations
Health: 5,600 responses; 56,000 hours; $0 Federal cost; 1 form; $560,000 Public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms collect utilization and cost information which is required by law for purposes of monitoring and/or adjusting the HHA's interim rate of payment.

• Health Care Financing Administration
Contractors' Information Collections—Reconsiderations/Appeals[1]
HCFA–9006
On Occasion
Individuals of households/businesses or other institutions
Health care providers, physicians, and medicare beneficiaries
SIC: 801, 805, 806, 808
Small businesses or organizations
Health: 54,229 responses; 27,115 hours; $0 Federal cost; 1 form; $271,150 Public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms request information from provider, physicians, and beneficiaries to allow the reconsideration of the initial action of a part A or B claim.

• Health Care Financing Administration
Contractors' Information Collections—Administrative[1] Data, unconnected with individual claim
HCFA–9028
On Occasion
Businesses or other institutions
Providers and suppliers participating in medicare
SIC: 801, 805, 806, 808, 809
Small businesses or organizations
Health: 85,478 responses; 35,615 hours; $0 Federal cost; 1 form; $356,150 Public cost; not applicable under 3504(h)

Richard Eisinger, 202–395–6880

These intermediary/carrier forms collect data that is not specific to an individual claim. Examples are certification of ambulance qualifications, beneficiary signature on file, billing arrangements, background information on providers/suppliers, second surgical opinion lists.

Revisions

• Social Security Administration
Report on Individual With Mental Impairment
SSA–824
On occasion
Individuals or households
Attending physicians, hospital directors, librarians, etc. general retirement and disability insurance: 150,000 responses; 30,000 hours; $143,085 Federal cost; 1 form; : not applicable under 3504(h)
Robert Neal, 202–395–6880

The information on this form is needed to determine the claimant's physical and mental status prior to making a disability determination.

• Social Security Administration
Social Security Disabled Person Report
SSA–454A–F4
On occasion
Individuals or households
Persons receiving disability benefits
General retirement and disability insurance: 600,000 responses; 150,000 hours; $833,475 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Sections 221(A) and (B) of the Social Security Act provides for information regarding the determination of the day a disability beneficiary begins to receive payments and on which such disability ceases. This form is used to determine whether the individual continues to be unable to engage in substantial gainful activity by reason of impairment and to obtain information concerning the individual's continuing disability condition.

• National Institutes of Health
Individual National Research Service Award Application
PHS 416–1, –3, –5, –7, –9, –11 PHS 6031–1
On occasion, annually
Individuals or households
Indiv seeking research training at predoctoral level, etc.
Health research: 25,550 responses; 42,669 hours; $151,330 Federal cost; 7 forms; $426,690 Public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

Provides to selected individuals support of training experiences in biomedical and behavioral research. Awards are made to individual applicants, for specified training proposals, selected individuals to apply for, activate, terminate, travel, and provide for payback of a National Research Service Award. Payback of a National Research Service Award.

• Health Care Financing Administration
Contractor's Information Collection—Provider Based [1]
Physician forms
HCFA–9017, HCFA–284
On occasion, annually
Businesses or other institutions
Hospitals, SNF's and HHA's (medicare providers)
SIC: 805, 806, 809
Small businesses or organizations
Health: 10,000 responses; 160,000 hours; $0 Federal cost; 1 form; $1,600,000 Public cost; not applicable under 3504(h)
Richard Eisinger, 202–395–6880

These forms are used by the intermediaries to review billing arrangements and to compute the provider and professional components of provider-based physicians services in order to allocate reimbursement between Parts A and B trust funds.

Extensions (Burden Change)

• Centers for Disease Control
Human Health Consequences of Polybrominated Biphenyls (PBBS) contamination in farms in Michigan
Annually
Individuals or households
Families around farms contaminated with PBB in Michigan
Health: 6,100 responses; 508 hours; $127,750 Federal cost; 1 form; $5,080 Public cost; not applicable under 3504(h)
Gwendolyn Pla, 202–395–6880

The primary objective of this study, begun in 1976, is long-term health follow-up of PBB-exposed persons in Michigan with particular emphasis on cancer incidence.

Reinstatements

• Social Security Administration
Financial Status Report
SSA–4217
Quarterly
State or logal governments
State agencies and heads of Indian Tribes
SIC: 944
Public assistance and other income supplements: 226 responses; 1,808 hours; $50,000 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202–395–6880

Public Law 96–126 provides for supplemental energy allowance payments for people with little or no income. Information is needed to determine if funds made available to States were used properly and that the limitations regarding total administrative expenses were adhered to in identifying excess funding amounts and the subsequent return of such funds.

DEPARTMENT OF THE INTERIOR

Agency clearance Officer—Vivian A. Keado—202–343–6191

New

• Bureau of Mines
Helium Distribution Contract—30 CFR 602
6–1575–A 6–1580–A 6–1581–A
Annually
Businesses or other institutions
Indust. gas suppliers who distribute Bureau of Mines helium
SIC: 516, 281, 508
Small businesses or organizations
Other natural resources: 108 responses; 22 hours; $26,000 Federal cost; 3 forms; $175 Public cost; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Regulations 30 CFR 602 establish distribution of Bureau of Mines helium pursuant to 50 U.S.C. 167 by a system of authorized private distributors. Three forms are needed to (1) gather essential data for contract completion, (2) insure compliance by certifying bureau helium purchased equals or exceeds that sold to Federal agencies, and (3) to account for bureau helium transferred between distributors.

• Office of Surface Mining Reclamation and Enforcement
Recipient's assignment of refunds, rebates and credits
OSM–63
Annually
State or local governments
25 State agencies and 31 institutions of higher learning
SIC: 951
Conservation and land management: 300 responses; 300 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

Form OSM–63 will be used by a recipient to certify to OSM that if monies are collected after a grant or cooperative agreement is closed out OSM will obtain its share.

Revisions

• Office of Surface Mining Reclamation and Enforcement
Application Form
SF–424
On occasion, annually
State or local governments

25 State agencies
SIC: 951
Conservation and land management: 300 responses; 450 hours; $1,800 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton, 202–395–7340

SF 424 to be used as the application form when a State agency is applying for an OSM grant or cooperative agreement.

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202–523–6331

Revisions

• Bureau of Labor Statistics
Point of Purchase Survey—Basic questionnaire, Consumer Item Checklists, Respondent Letter
CPP–1, CPP–2A, CPP–2B, CPP–3
Annually
Individuals or households
Households in 86 selected SMSA's and smaller cities.
Other labor services: 5,100 responses; 6,500 hours; $1,112,700 Federal cost; 4 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The forms are to be used to gather information on the type of outlets at which consumers shop (CPP–1) for selected consumer items (CPP–2A and CPP–2B) to be used to update periodically the nation's Consumer Price Index (CPI). The CPP–3 respondent letter, which informs the respondent of the purpose of the survey, is also attached.

• Bureau of Labor Statistics
CPI Housing Survey
BLS 2921C, 2921E
Semiannually
Individuals or Households
Households in 85 CPI areas
Other Labor services: 82,328 responses; 20,582 hours; $900,000 Federal cost; 2 forms; not applicable under 3504(h)
Statistical Policy Branch, 202–395–7313

The survey collects rental price change data which is a major, essential element in the consumer price index. A new survey housing unit is to be implemented in April 1982 to test alternatives for rental equivalency.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Office of the Secretary
All Savers Certificate Item
Quarterly
Businesses or other Institutions
Commercial banks, savings and loan assns, credit unions
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 144,000 responses; 2,400 hours; $2,000 Federal cost; 1 form; $48,000 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

The department will use the information to evaluate the impact of the offering of the all savers certificate item on tax revenues and other programs.

• Internal Revenue Service
Purchase Order Follow-Up
FL–695
On Occasion
Businesses or other institutions
Contractors, vendors
SIC: Multiple
Small businesses or organizations
Central fiscal operations: 2,000 responses; 1,000 hours; $2,012 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Vendors and contractors must provide materials and/or services to IRS on a timely basis. When delivery is not made as called for, FL–695 is used to contact the vendors and contractors regarding our orders. The information is used to determine the status of the orders.

Extensions (Burden Change)

• Bureau of Alcohol, Tobacco and Firearms
Bonded Wineries—General Applications, Letterhead
Applications, notices relating to operations
RESPD LTRHD
On occasion
Businesses or other institutions
Bonded wineries
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 610 responses; 420 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Records are used to trace operations at bonded wineries and to ascertain that the revenue is not placed in jeopardy.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

Reinstatements

• Fuel and Fuel Additive Waiver Guidelines
Other—See SF83
Businesses or other institutions
Fuel refiners and other parties
SIC: 999
Pollution control and abatement: 4 responses; 8,320 hours; $15,600 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

This information is necessary for the administrator to determine if a new fuel or additive will cause or contribute to the failure of vehicles to meet emission standards and if a waiver of the Clean Air Act's section 211(F) prohibits should be granted.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—William Jones—202–452–2983

Extensions (no Change)

• Complainant Satisfaction Questionnaire
On occasion
Individuals or households
Anyone from whom a complaint re a state member bank was rec'd
General government: 70 responses; 18 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Richard S. Stavneak, 202–395–6880

The questionnaire is sent to certain people who had a complaint resolved by a Federal reserve bank. Complainants are requested to answer questions designed to assess the effectiveness of the reserve bank's complaint handling effort.

INTERSTATE COMMERCE COMMISSION

Agency Clearance Officer—Carroll Stearns—202–633–0204

New

• Application for approval under 49 U.S.C. 11349 of the temporary operation of Motor Carrier Properties sought to be acquired under separately filed applications
OP–F–46
On occasion
Businesses or other institutions
Privately owned motor common carriers
SIC: 421
Ground transportation: 158 responses; 127,506 hours; $127,506 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Motor carriers proposing the transaction under 49 U.S.C. 11349 must submit information about their business structure, terms of the transaction and justification for requested authorization to the ICC. The information provides the minimum factual basis for deciding whether the transaction may be authorized.

• Application for authority under 49 U.S.C. 11343, 11344 to consolidate, merge, purchase, or lease operating rights, properties, or any part thereof of a motor carrier

OP-F-44
On occasion
Businesses or other institutions
Privately owned motor common carriers
SIC: 421
Ground transportation: 257 responses; 57,311 hours; $414,798 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Carriers proposing transactions under 49 U.S.C. 11343 and 11344, submit information about their business structure affiliates financial status, transportation operations under the proposal and about the terms of the transaction. The information provides the minimum factual basis to decide whether the ICC may authorize the transaction.

Extensions (Burden Change)

- Application for temporary authority under section 210A(A) of the Interstate Commerce Act

OP-MCB-95
On occassion
Businesses or other institutions
Applicants seeking authority to operate interstate commerce
SIC: 401
Small Businesses or organizations
Ground transportation: 13,000 responses; 26,000 hours; $171,121 Federal cost; 1 form; $60 public cost; not applicable under 3504(h)
Donald Arbuckle, 202-395-7340

Form is filed with the commission by applicants seeking to operate as a motor carrier under the temporary authority provisions of 49 U.S.C. 10928. The commission's prescribed implementing guidelines are set forth at 49 CFR 1131. To meet the statutory criteria an applicant must establish that there is an immediate need for its service.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Form N-37I-1, Notice of Right of Withdrawal and Refund for Variable Life Insurance Contractholders Required Pursuant To Rule 6E-2 Under the Investment Company Act.

1930
Nonrecurring
Businesses or other institutions
Life Insur. Co. issuing variable life insurance contracts
SIC: 999
Small businesses or organizations
Other advancement and regulation of commerce: 1,500 responses; 1,500 hours; $0 Federal cost; 1 form; $7,500 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

Form N-27I-1 is the form prescribed for use by registered separate accounts issuing variable life insurance contracts to notify contract holders of their right to withdraw from the contract at any time during the first 24 months after issuance and receive in cash an amount not less than cash surrender value plus any excess sales load.

Nathaniel Scurry,
Chief, Reports Management.

[FR Doc. 81-35025 Filed 12-4-81; 8:45 am]
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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Doc. No. 301-25]

National Pasta Association; Initiation of Investigation

On October 16, 1981, the Chairman of the Section 301 Committee received a petition from the Pasta Association alleging that EC export subsidies on pasta are granted in a manner inconsistent with the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade ("Subsidies Code") and constitute an unreasonable and unjustifiable burden on U.S. commerce. The petition was filed pursuant to Section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*). On November 30, 1981, the United States Trade Representative decided to initiate an investigation pursuant to 19 U.S.C. 2412(a).

The text of the petition is as follows:

BEFORE THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

National Pasta Association, Petitioner

Petition filed seeking relief under Section 301 of the Trade Act of 1974, as amended.

This petition is filed pursuant to 15 CFR 2006.0(b) (1980) and section 301 *et seq.* of the Trade Act of 1974, as amended, 19 U.S.C. 2411 *et seq.* (Supp. III 1979). The dramatic increase of imports of pasta products from Italy has caused serious prejudice to U.S. producers and threatens to cause further serious prejudice by displacing U.S. producers in domestic markets. This increase in imports is largely the result of the bestowal of unjustified and unfair direct export subsidies by the European Economic Community (hereinafter the "E.C."). The use of these export subsidies violates the rights of the United States under the provisions of the General Agreement on Tariffs and Trade (hereinafter the "General Agreement") and the Agreement on Interpretation and Application of Articles IV, XVI and XXIII of the General Agreement on Tariffs and Trade (hereinafter the "Subsidies Code").

Petitioner

Petitioner, the National Pasta Association (formerly the National Macaroni Manufacturers Association), is a non-profit trade association incorporated under the laws of Illinois. The purpose of the Association is to serve all phases of the industry by promoting the development and use of pasta and related products for the benefit of consumers while providing programs and services that will enhance the efficiency and effectiveness of members of the industry. All major domestic producers of pasta products are presently members of the National Pasta Association. These producers, whose names are set forth in Appendix A to this petition, account for over 95 percent of all pasta produced in the United States.

Statutory Basis for This Petition

This petition arises under section 301(a)(1), 2(A) and 2(B) of the Trade Act of 1974, as amended, 19 U.S.C. 2411 (Supp. III 1979), Articles VI, XVI and XIII of the General Agreement and Articles 8 and 9 of the Subsidies Code. The bestowal of an export subsidy upon the exportation of pasta constitutes the subsidization of a non-primary product in violation of the absolute proscription against such subsidies set forth in Article 9 of the Subsidies Code. While it is unnecessary to demonstrate more than the existence of an Article 9 violation in order to justify relief under the Subsidies Code, petitioners will also show that the subsidy violates Article 8 in that it has caused serious prejudice and threatens to cause additional serious prejudice to U.S. pasta manufacturers by increasing substantially the abolute and relative level of pasta imports coming into the U.S. market.

Foreign Laws and Regulations Which are the Subject of This Petition

Subsidies granted on the exportation of pasta products manufactured from E. C. durum wheat are currently authorized by Council Regulation No. 2727/75 [1] on the common organization of the market in cereals. Such subsidies were first authorized in Council Regulation No. 120/67 when the common organization

[1] O.J. EUR. COMM. (No. L/281) 1 (1975).

of the market in cereals was first unified.[2] Article 16 of that regulation specifically provides that cereals such as durum wheat may be covered by export refunds. In addition, the Article provides that certain products processed from these cereals may also be covered by these refunds.

Pasta products are among the eligible products listed in Annex B [3] of the regulation. Council Regulation 3035/80 [4] sets out detailed rules for granting export refunds on processed cereal products and the criteria for fixing the amount of such refunds. Annex C [5] of this regulation specifically cites "macaroni, spaghetti and similar products" as categories to which these rules apply. Moreover, the regulation provides that exporters can apply for advance fixing of this subsidy.[6] Domestically, durum wheat is supported by permanent intervention arrangements pursuant to Article 10 of Council Regulation 2727/75.[7]

Foreign Countries or Instrumentalities With Whom the United States Has an Agreement

The E.C. has signed the Subsidies Code on behalf of all member states. However, the principal beneficiary of the E.C. export refund on pasta products is Italy. Italy is an individual signatory to the General Agreement.

Products Which are the Subject of This Petition

The products for which the rights of the United States under the General Agreement and the Subsidies Code are being denied are macaroni, vermicelli and similar products containing less than 5.5 percent by weight of egg or egg products, and noodle products containing 5.5 percent or more of egg or egg products by weight. As used herein, the term pasta refers to both macaroni and noodle products. These products comprise TSUSA categories Nos. 182.35 and 182.36 respectively.

Requests for Other Relief

Petitioner has not filed for relief under the Trade Act of 1974 or any other provision of law.

Legal Justification for This Petition

I. E.C. Subsidy on Pasta Exports

The practice which is the principal subject of this petition is the E.C. export refund on pasta manufactured from E.C. durum wheat. In its regulations authorizing a common organization of the market in cereals,[8] the E.C. provides that certain E.C. cereal products exported after being transformed into processed goods may be eligible for an export refund. The refund on the processed product is intended to cover the difference between quotations or prices for the cereals on the world market and prices in the Community.

For pasta produced from E.C. durum wheat, the E.C. calculates export refunds according to a conversion factor which takes into account the amount of wheat and other basic products necessary to produce a given amount of pasta. For macaroni, spaghetti and similar products, both with and without eggs, the conversion factor of durum to pasta is 1.67.[9] In other words, 167 kg. of durum wheat is necessary to make 100 kg. of pasta. The average export refunds granted by the E.C. on the export of pasta may be calculated using this factor. As indicated in Table 1, over the past five years exports have been subsidized at a rate of between seven and twelve cents per pound of pasta. This subsidy represents between 14 and 24 percent (approximately) of the wholesale value of pasta products.

Normally, the rate of the refund is that which is in force on the day of the export. Exporters can, however, apply for advance fixing of the refund by obtaining an advance fixing certificate from an intervention agency which is valid for the month of issue plus the following five months.[10] The rate of the refund is that applicable on the date the application for advance fixing is received by the intervention agency.

II. The General Impact of the E.C. Export Refunds on Italian Exports of Pasta Products into the United States

An examination of the extraordinary growth of U.S. imports of Italian pasta during the past five years demonstrates that the E.C.'s export subsidy has made a substantial contribution to Italian producers success in displacing U.S. producers in their home markets.

The common organization of the market in cereals was first established by regulation on June 19, 1967.[11] On October 29, 1975, the Council of the E.C. reissued its regulation 2727/75 [12] on the common organization of this market. Since the reissuance of the regulation, Italian exports of pasta products containing no egg or egg products to the U.S. have experienced substantial growth on both an absolute and a relative basis (Table 3). In 1975, Italian exports to the U.S. were 10,016,969 pounds, and comprised only 20.3 percent of total U.S. imports. By 1980, the volume had grown to 26,051,913, reflecting an average annual growth rate of 32.0 percent. Moveover, in 1980, Italian imports comprised over one-third of total U.S. imports. Estimates based on data for the first six months of 1981 would put total Italian exports at an annual level of 38 million pounds. This import level would comprise over 40 percent of total projected U.S. imports.

Similar growth has appeared—although on a much smaller scale—with respect to Italian imports of noodles containing at least 5.5 percent egg or egg products (Table 4). These imports grew from 498,575 pounds in 1975 to 912, 593 pounds in 1978. Although these figures tailed off in 1979 and 1980, preliminary data for 1981 reveal a projected annual import level of over one million pounds. The import growth in both categories is all the more significant to U.S. producers in view of the fact that domestic demand for pasta products at retail has not increased substantially in recent years and that production—as reflected by the amount of durum wheat ground—has declined in response to lagging domestic demand (Table 2).

III. The E.C.'s Export Refund on Pasta Products is Inconsistent with the Obligations Undertaken by Signatories to the General Agreement and the Subsidies Code

A. General Consideration

The Subsidies Code specifically addresses the problem of export subsidies and establishes general standards of conduct with respect to the granting of export subsidies. It also establishes a series of formal mechanisms for resolving disputes in this area.

Article 8 of the Subsidies Code contains an agreement by the signatories that they will avoid causing, through the use of *any subsidy*, "serious prejudice to the interests of another signatory." Serious prejudice may be demonstrated by showing the effects or threatened effects of the subsidized imports in the domestic market of the importing signatory.[13]

The export subsidization of other than primary products is absolutely prohibited by Article 9 of the Code. The provision reads:

[2] O.J. EUR. COMM. (No. 117) 2269 (1967).
[3] O.J. EUR. COMM. (No. L/281) 14 (1975).
[4] O.J. EUR. COMM. (No. L/323) 27 (1980).
[5] O.J. EUR. COMM. (No. L/323) 41 (1980).
[6] O.J. EUR. COMM. (No. L/323) 31 (1980).
[7] O.J. EUR. COMM. (No. L/281) 8 (1975).
[8] O.J. EUR COMM. (No. L/281) 1 (1975).
[9] O.J. EUR COMM. (No. L/323) 41 (1980).
[10] O.J. EUR COMM. (No. L/323) 31 (1980).
[11] O.J. EUR COMM. (No.117) 2269 (1967).
[12] O.J. EUR COMM. (No. L/281) 1 (1975).
[13] Subsidies Code, Art. 8, ¶ 4(a).

Signatories shall not grant export subsidies on products other than certain primary products. [14]

For purposes of the agreement, primary products are defined as:

" " " any product of farm, forest, or fishery, in its natural form, or which has undergone such processing as is customarily required to prepare it for marketing in substantial volume in international trade. [15]

It is the contention of petitioner that the E.C. subsidy on pasta exports violates Articles 8 and 9 of the Subsidies Code in that this subsidy:

(1) is granted upon the exportation of a non-primary product in direct violation of Article 9 of the Code; and

(2) threatens serious prejudice to U.S. domestic markets in pasta products in violation of Article 8 of the Code.

We shall examine each of these contentions individually. While a finding that the export refund on pasta products violates Article 9 would necessarily dispose of the entire matter, petitioners will demonstrate the serious prejudice and threat of serious prejudice posed by these subsidies within the meaning of Article 8 in order to underscore the urgency which exists for dealing with these export refunds.

B. E.C. Subsidy on Pasta Products is a Subsidy Granted upon the Exportation of a Non-Primary Product in Violation of Article 9 of the Subsidies Code

As previously indicated, a primary product is defined in the General Agreement as "any product of the farm, forest or fishery . . . in its natual form or which has undergone such processing as is customarily required to prepare it for marketing in substantial volume in international trade." The issue as to what differentiates a primary agricultural product from a non-primary product has apparently never been the subject of a GATT determination. [16]

Durum wheat is a primary agricultural product. There is sufficient volume of international trade in durum wheat to establish conclusively that its transformation into semolina flour and thereafter its further processing into pasta products is *not* customarily required to prepare it for marketing in international trade. Moreover, the amount of processing required to transform durum wheat into marketable pasta products is so substantial as to preclude consideration of pasta as a primary product. [17]

1. *International trade in durum wheat.* Since 1975, E.C. exports of durum wheat have grown considerably from 40,734 metric tons in 1975 to 199,400 metric tons in 1980. During that same period, world trade in durum wheat has grown from about 3.1 million metric tons in 1975 to about 4.2 million metric tons in 1980 [18] (Table 5). These figures indicate that there exists independently a significant export market in durum wheat, a market which is much larger than the world export market for pasta products. There is also a substantial market for by-products of ground durum wheat. These by-products are used for making dog food and breakfast cereal. Additionally, they are sold as commercial feed. The market for durum wheat and its by-products negates the presumption that durum wheat is customarily transformed into pasta for purposes of preparing it for marketing in international trade. Consequently, pasta cannot be considered a "primary product" as defined in the Subsidies Code.

2. *The process of converting durum wheat into pasta.* The transformation of durum wheat into pasta involves a complex, multi-staged process. Durum wheat is thoroughly scoured and cleaned, and then it is "tempered," a process in which moisture and heat are applied to toughen the outer bran coat. The wheat is then passed through a series of corrugated and smooth rollers, purifiers, sieves and sifters of increasing fineness—to crush and separate parts of the clean wheat until approximately 60 percent is bran-free semolina, granular or durum flour. The other 40 percent is made into by-products, not connected with macaroni production (e.g. commercial feed). Durum semolina is then mixed with water to make a stiff dough. Additionally, the dough may be enriched with iron and B-vitamins, and in certain products egg solids may also be added. The dough is passed through dies under pressure which, depending on how the dies are cut, convert the dough into different shapes. The shaped products are then passed through a series of dryers, and the final products are cut to exact length, weighed and packaged. Most steps in the manufacturing process are automatic, under cover in sealed compartments of different machines; however, significant amounts of labor are used in the inspection of the final product. Moreover, there are additional steps in the production process which bear on the texture, shape and packaging of the pasta product. These steps are responsible for the differentiation of products which separate individual brands. Given the limited differentiation

[14] Subsidies Code, Art. 9, ¶1.

[15] General Agreement, Note Ad Article XVI, Section B, pargraph 2.

[16] "Letter from Jeanne Archibald, Chairman, Section 301 Committee to Paul D. Cullen, Esq." (9 June 1981).

[17] There are also strong arguments against designating pasta as a primary agricultural product inherent in the E.C.'s own treatment of the distinction between primary and non-primary agricultural products. Although these distinctions do not have a direct bearing on a prospective GATT interpretation of the primary, non-primary product distinction, they do provide a legal framework within which to determine the nature of pasta for purposes of applying the Subsidies Code. Furthermore, these distinctions, in that they are the creation of the E.C., undermine any assertion by the E.C. that the subsidy on pasta is a subsidy on a primary product, and hence not subject to the Article 9 ban.

In the first place, Article 38 of the Treaty of Rome, 298 U.N.T.S. 5 (1957), which established the common market in agriculture, defined agricultural products as "the products of the soil, of stock farming, and the fisheries and products of *first stage processing* directly related to these products." Applying this definition to the previous discussion on how pasta is made from durum wheat, one would be hard-pressed to consider pasta a product of first stage processing in view of the fact that there exist two intervening stages in the production process. First durum wheat is converted into semolina flour. Second, semolina flour is processed into pasta, a process which in itself involves a 44 percent value added labor. By the E.C.'s own defintion this entire process can hardly be termed "first-stage processing."

The early completion of the E.C. customs union necessitated the development of common rules for the application of the Common Customs Tariff, quantitative restrictions, and other measures applied to imports. In establishing rules for determining and certifying the origins of goods, a distinction had to be made between goods produced in one country and goods (particularly processed) produced in more than one country. Under Council Regulation No. 802/68, "On the Common Definition of the Concept of the Origin of Goods," O.J. EUR. COMM. (No. L/148) 1 (1968), goods produced or extracted in one country are deemed to originate in that country. Such products present few difficulties in comparison to the identification of goods produced in more than one country. For such products, the country of origin is defined as "where the first substantial and economically justifiable processing is done." O.J. EUR. COMM. (No. L/148) 2 (1968). In determining country of origin, it may be necessary to distinguish between raw material and processed product. E.C. case law provides that for a product to be "processed," the processing performed must be substantial enough to result in significant *qualitative* change in the product in comparison to the basic product prior to the "processing." [*See, e.g.*, Gesellschaft fur Uberseehandle mb v. Handelskammer, Court of Justice, Case No. 49/76, January 26, 1977.] Petitioner would contend that pasta is qualitatively different from durum wheat and therefore must be construed as a processed product even under the E.C. definition.

A final basis for looking at the primary— non-primary distinction is to consider the E.C.'s general regulation with respect to "Processed Agricultural Products Not within Common Policy." [E.C. Council Regulation 1059/69, "Price Agreements Applicable to Certain Goods Resulting from the Processig of Agricultural Products," O.J. EUR. COMM. (No. L/141) 1 (1969).] Such products are listed in an Annex to the regulation and include sugar confectionary, chocolate, malt extract, flour, starch, *macaroni*, prepared goods, yeast, pastry, etc. They are subject to common tariff charges which consist of a fixed ad valoreum duty to which is added a variable component. Indeed, they are treated separately and differently for trade purposes than those "agricultural products" subject to the Common Policy under Article 38 of the Treaty of Rome, the difference again being the degree of processing.

[18] International Wheat Council, "World Trade Statistics" (1981).

between products, these steps are crucial in a market where brand-name identification is so important. A graphic presentation of the processing of durum wheat into semolina flour and the reprocessing of semolina flour into pasta products is depicted in Appendix B.

The extent of processing is reflected in terms of cost estimates of the value added in the process of converting semolina flour into pasta products. The following figures reflect the value added to the semolina flour market to make one pound of macaroni:

Semolina flour	*$0.200
Labor	0.055
General overhead	0.050
Packaging	0.050
	0.355

*The price of 20 cents per pound of semolina flour probably represents the highest price paid for this ingredient in recent years. Use of a lower and more typical price would, of course, cause the percent of value added to increase.

There is a factor of 44 percent value added to semolina flour in its processing into macaroni. This does not include any expense for brand name advertising which also adds value to the finished product. Moreover, it does not include the separate 18.5 percent value added factor necessary to grind durum wheat into semolina flour and its commercial by-products. The extensive amount of value added through two separate processing stages cannot justify the treatment of pasta as a primary agricultural product. Such treatment would render Article 9 meaningless.

In sum, the level of trade in international durum wheat and the substantial amount of processing that is involved in converting durum wheat to pasta lead to the conclusion that for purposes of the GATT, pasta is a non-primary product. Petitioner therefore submits that a subsidy on the export of such products violates Article 9 of the Subsidies Code. Such a view would be consistent with recent U.S. positions on the primary/non-primary distinction.

Throughout the MTN, the United States subscribed to a narrow definition of primary product, one which would result in a product's removal from the primary product category on the basis of minimal processing. The E.C., as expected, took the other extreme. Consistent with its position in the MTN, the United States recently requested consultations concerning E.C. subsidies on the export of wheat flour.[19] In making this request, the United States asserted that "wheat-flour is a non-primary product on which no subsidy may be maintained." Petitioners contend that the processing of durum wheat into pasta involves substantially more processing than is involved in the transformation of common wheat into wheat flour. To permit the subsidy on pasta to persist where its existence is so clearly violative of Article 9 would be to render the Subsidies Code meaningless.

C. The E.C. Export Subsidy on Pasta Products Threatens Serious Prejudice to U.S. Domestic Markets in Pasta Products and Therefore Violates Article 8 of the Subsidies Code

Article 8 of the Subsidies Code, although not providing an absolute prohibition against export subsidies as contained in Article 9, nevertheless provides that parties "should avoid causing serious prejudice to the interests of another signatory." For purposes of the Article, serious prejudice includes not only actual, but the threat of serious prejudice.[20]

The threat of serious prejudice to U.S. pasta producers can be viewed from two perspectives. First, since there is absolute and continuous growth of Italian pasta imports in a U.S. market in which overall demand has remained constant, the Italian products are directly displacing and will continuing to displace U.S. products. Second, because Italian products are being directed at specific regional markets, the net effect on certain regional producers may be to threaten their well-being.

1. *Italian import penetration.* As previously indicated, domestic demand for pasta products at retail has not increased significantly in recent years. For example, between the years 1979 and 1980, domestic consumption of macaroni products has grown only 0.7 percent annually, from 985 million pounds to 993 million pounds. Moreover, unofficial grocery sales figures provided by the industry reveal that between 1973 and 1980 the annual volume of grocery sales over the entire period has increased at an average annual rate of less than 2 percent. Despite this limited growth, Italian imports to the United States have grown substantially. During the 1979–80 period alone, Italian imports grew at an annual rate of 34.6 percent. Whereas in 1979, Italian imports represented approximately 2.0 percent of total grocery sales, in 1980 that share grew to 2.6 percent. Assuming constant domestic demand in 1981, the increase in the Italian share of the U.S. market may be as high as 3.8 percent if the surge of pasta imports in the first half of 1981 holds constant throughout the remainder of the year. This would represent a doubling of market share in just two years.

Certain recent developments in the U.S. pasta market reinforce this negative trend thereby mandating that the threat be addressed by U.S. policy makers. In the first place, there are now at least 29 separate brands of Italian pasta available nationwide.[21] Moreover, the distribution of imported pasta is no longer limited to specialty shops and gourmet stores, but has spread to a number of important regional and national chain stores, acquiring significant amounts of shelf space. Furthermore, imported pasta from Italy is being priced to undersell domestic brands on retail shelves, in which instance, domestic producers are forced to lower their prices to respond to competition from the imported brands. Coupled with these developments are the apparently unlimited amounts available from the E.C. to cover export refunds. Between the years 1975 and 1979, E.C. expenditures on cereal refunds grew from approximately 425 million European Units of Account (E.C.U.) to 1,152,155,419 E.C.U. (Table 6). In 1980, total appropriations were set at 1,099,000,000 E.C.U., and for 1981 at 1,542,520,000 E.C.U. Clearly, these levels suggest there are no effective administrative controls on cereal subsidies. In effect, Italian pasta producers have an unlimited pool for which to draw.

In a recent complaint by Brazil against the E.C. refunds on export of sugar,[22] a GATT panel took note of the "non-limited amounts" available to cover export refunds of sugar. The panel found that this open-ended commitment on the part of the E.C., when combined with the amount of E.C. sugar available for export, created a permanent source of uncertainty in world markets and therefore constituted a threat of serious prejudice in terms of Article XVI:1 of the General Agreement. The open-ended financial commitment to cereal subsidies by the E.C., coupled with the volume of exportable surpluses within the E.C., demonstrates that a threat of serious prejudice confronts U.S. producers for the same reasons that such a threat was found in the case of Brazilian sugar.

2. *Regional market penetration.* Pasta imports have had a major impact on the retail market in the New York-New Jersey area. Sales data in imported pasta is difficult to gather. Data published by the Nielsen organization

[19] GATT, "European Communities—Export Refunds for Wheat Flour—U.S. Request for Consultations under Article XXII:1," GATT Docs. L/5014 (Aug. 6, 1980).

[20] Subsidies Code, Article 8, footnote 3.

[21] Information received from a survey of members of the National Pasta Association (June 1981).

[22] GATT, European Communities—Refund on Export of Sugar—Complaint by Brazil," GATT Docs. L/5011 (Oct. 7, 1980).

was able to track 5 million pounds of Italian pasta sold at retail in 1980, of which 4 million pounds (80 percent) were sold in the New York-New Jersey market. It is generally believed that much of the unaccounted for distribution of the 26 million pounds of pasta imported in 1980 was also sold at retail—most of that in the New York-New Jersey market area. Thus, the amount of Italian pasta imports sold at retail is probably greatly understated. In 1980, recorded grocery sales of Italian imports (*i.e.*, 4 million pounds) constituted approximately 2.3 percent of the New York area market. If the Nielsen data understates the amount of Italian pasta sold at retail, and if the bulk of the 20 million pounds of imported pasta not accounted for by Nielsen was sold in the New York-New Jersey market, the present impact of imports on retail sales in the New York-New Jersey market could be significantly understated. If 80 percent of the unaccounted-for 20 million pounds were sold in the New York-New Jersey areas, market penetration of imports would exceed 20 percent in 1980 and could go much higher than that in 1981 with the increase in imports.

In considering the impact of subsidized exports on U.S. domestic markets, it is not unprecedented to look in terms of particular geographic markets. For example, in determining the extent or threat of injury to a particular industry in countervailing duty cases, the ITC may find injury on the basis of a regional industry even where a major proportion of the domestic industry taken as a whole is not injured.[23] The language of the statute is sufficiently broad to allow the Commission discretion in determining the appropriate circumstances for an inquiry based upon a regional industry.[24]

In determining the threat to the domestic injury in the contest of the Subsidies Code, consideration of regional impact is equally valid. Article 6, paragraph 7, of the Code provides that:

> . . . The territory of a signatory may, for the production in question, be divided into two or more competitive markets and the producers within each market may be regarded as a separate industry if (a) the producers within such market sell all or almost all of their production of the product in question in that market; and (b) the demand in that market is not to any substantial degree supplied by producers of the product in question backed elsewhere in the territory. In such circumstances, injury may be found to exist even where a major portion of the total domestic industry is not injured provided there is concentration of subsidized imports into such an isolated market, and provided further that the subsidized imports are causing injury to the producers of all or almost all of the production within such market.[25]

The New York-New Jersey market, in that it is generally self-contained, appears to meet the criteria set forth in Article 6, Paragraph 7 of the Subsidies Code. It is therefore appropriate to concern ourselves with the regional impact of the Italian imports. The possibility that Italian penetration in the New York market may have exceeded 20 percent in 1980 and could exceed 25 percent in 1981, if trends for the first half of 1981 hold true, is a threat which petitioner submits must be addressed in the GATT framework.

Relief Requested

Based on the foregoing, petitioner respectfully requests that the President, pursuant to section 301 of the Trade Act of 1974, as amended, 19 U.S.C. 2411, take all appropriate and feasible steps within his power to obtain the elimination of the European Economic Community's export refund on pasta products. Such efforts should include making use of the consultation, conciliation and dispute settlement mechanisms as provided by Articles 12 and 13 of the Subsidies Code. In the event such steps fail to bring about a resolution of the issue, the President should undertake such countermeasures as are authorized under section 301 of the Trade Act of 1974, as amended, and as are permitted under the General Agreement and the Subsidies Code.

Respectfully submitted,

Paul D. Cullen,

1055 Thomas Jefferson St., NW., Washington, D.C. 20007, (202) 342-8400.

Of Counsel:

Collier, Shannon, Rill & Scott,

1055 Thomas Jefferson St., NW., Washington, D.C. 20007.

Dated: October 16, 1981.

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[23] GATT, European Communities—Refund on Export of Sugar—Complaint by Brazil," GATT Docs. L/5011 (Oct. 7, 1980).

[24] See, *e.g.*, "Fish, Fresh, Chilled, or Frozen, Whether or Not Prepared or Preserved, from Canada," USITC Pub. No. 1066 (may 1980); "Certain Iron-Metal Castings from India," USITC Pub. No. 1098 (Sept. 1980).

[24] 21 U.S.C. § 1677(4)(c).

[25] Subsidies Code, Art. 6, ¶7.

TABLE 1.—AVERAGE EXPORT RESTITUTION ALLOWANCES GRANTED[1] BY THE EUROPEAN COMMUNITY ON PASTA EXPORTS

Date	European community units per 100 kilograms[3]		Dollars per pound	
	Durum wheat	Pasta[2]	Durum wheat	Pasta
Jan. 1, 1976	4.0	6.7	$0.02	$0.03
Jan. 1, 1977	12.6	21.0	.07	.12
Jan. 1, 1978	11.5	19.2	.07	.12
Jan. 1, 1979	11.9	19.9	.07	.12
Jan. 1, 1980	10.6	17.7	.07	.12
Dec. 1, 1980	6.4	10.7	.04	.07

[1] Information provided by the Washington delegation of the European Community.
[2] Calculated using E.C. conversion factor of 1.67.
[3] European Units of Account per 100 kg.

TABLE 2.—DOMESTIC PRODUCTION OF PASTA PRODUCTS[1]

[1975–1980]

	Durum mill grind (bushel)[2]	Percent change
1975	32,993,000	
1976	35,126,000	6.5
1977	37,729,000	7.4
1978	37,003,000	−2.0
1979	38,985,000	5.3
1980	33,482,000	−14.1
1981[3]	29,970,000	−10.5

[1] Since the U.S. pasta industry does not maintain aggregate production or consumption data, the best available index of domestic production, and concurrently domestic demand, is production of durum mill grind.
[2] U.S. Bureau of the Census, Dep't of Commerce, "Series M20A" Report.
[3] Annual Estimate based on first six months data.

TABLE 3.—Macaroni, Etc. Containing No Egg or Egg Products

[Imports by Selected Countries of Origin; TSUSA No. 182.3500]

Year	Total annual net quantity (lbs)	Annual net quantity for selected countries					
		Canada	Italy	Mexico	Japan	China M	Balance—all other countries
1975	49,273,347	22,291,306	10,016,969	7,280,879	3,191,560	502,448	5,990,185
1976	50,737,329	19,847,023	10,929,596	[4]5,641,282 703,452	4,407,821	1,304,448	7,703,697
1977	52,110,934	19,239,577	13,639,875	[4]5,274,969 809,571	3,506,465	1,595,448	7,845,029
1978	65,707,672	25,749,132	19,075,122	[4]5,880,581 691,656	3,383,740	1,849,475	9,097,966
1979	69,793,517	25,780,143	20,284,553	[4]6,836,956 257,414	3,776,594	2,441,094	10,416,763
1980	76,778,536	27,206,630	26,051,913	[4]2,211,402 60,166	4,557,549	5,038,322	11,652,554
1981, 1st quarter	24,105,056	6,918,759	10,643,459	[4]714,738 2,712	865,658	1,301,350	3,658,380
2nd quarter	21,603,057	6,152,094	8,154,835	[4]775,559 15,814	1,422,531	1,321,375	3,960,849

NOTE.—"4"—items imported under the Generalized System of Preference provisions of the Trade Act of 1974.
Source: U.S. Bureau of the Census, Department of Commerce, "U.S. Imports for Consumption and General Imports," Report FT 246, Annual (1975, 1976, 1977, 1978). U.S. Bureau of the Census, Department of Commerce "U.S. Imports for Consumption," Report IM 146, Monthly (1979, 1980).

TABLE 4.—MACARONI, ETC. CONTAINING NO EGG OR EGG PRODUCTS

[Imports by Selected Countries of Origin; TSUSA No. 182.3600]

Year	Total annual net quantity (lbs)	Annual net quantity for selected countries					
		Canada	Italy	Hong Kong	Philippine Republic	Switzerland	Balance—all other countries
1975	4,221,620	2,680,479	498,575	292,132	314,217	131,191	305,026
1976	6,185,126	3,378,176	577,550	[4]359,955	[4]345,843	269,534	1,254,068
1977	5,236,024	3,072,311	679,428	[4]390,016	[4]394,366	183,477	516,406
1978	7,698,868	4,818,381	912,593	[4]414,755	[4]384,554	219,250	917,330
1979	7,610,518	4,531,927	862,163	[4]543,300 18,284	[4]431,202 4,980	226,807	991,855
1980	6,435,924	3,448,299	688,555	[4]767,347 33,376	[4]375,491 5,220	287,772	829,864
1981, 1st quarter	1,724,044	729,230	295,320	[4]296,614 5,576	[4]68,624	15,020	313,660
2nd quarter	1,732,711	693,034	421,627	[4]238,732 8,763	[4]88,991 1,500	67,561	212,503

NOTE.—"4"—items imported under the Generalized System of Preference provisions of the Trade Act of 1974.
Source: U.S. Bureau of the Census, Department of Commerce, "U.S. Imports for Consumption and General Imports," Report FT 246, Annual (1975, 1976, 1977, 1978). U.S. Bureau of the Census, Department of Commerce, "U.S. Imports for Consumption," Report IM 146, Monthly (1979, 1980).

TABLE 5.—INTERNATIONAL TRADE IN DURUM WHEAT [1]

[1,000 metric tons]

	Argentina	Canada	EEC [2]	Greece	Spain	United States	Other	Total
1974/1975	158	1,467	4	23	14	1,381	6	3,053
1975/1976	165	1,529	26	10		1,689	5	3,425
1976/1977	355	1,332	43			1,055		2,785
1977/1978	248	1,943	11	6		1,647	26	3,880
1978/1979		1,370	16	177		1,709	3	3,277
1979/1980	83	1,590	27	79	214	2,228		4,221

[1] International Wheat Council, "World Wheat Statistics" (1981).
[2] Excludes Intra-EEC Trade.

TABLE 6.—E. C. EXPENDITURES ON CEREAL REFUNDS

	E.C.U.	Dollars [1]
1975	34,525,824	$125,497,000
1976	372,061,945	416,176,000
1977	272,162,340	310,667,000
1978	779,953,735	994,839,000
1979	1,152,155,419	1,580,459,000
1980	[2] 1,099,000,000	1,530,640,000
1981	[2] 1,542,520,000	

[1] Dollar conversions based on average annual exchange rate.
[2] Appropriation figures—exact data on expenditures are not yet available.

Appendix A

Members of the National Pasta Association and Location of Principal Plants

California
Gabriele Macaroni Company
American Beauty Macaroni Company
Fortune Macaroni Company
Anthony Macaroni Company
Costa Macaroni Mfg. Company
Mrs. Reis Macaroni Company
Western Globe Products Inc.
D. Merlino & Sons
Royal Macaroni Company
Golden Grain Macaroni Company

Colorado
American Beauty Macaroni Company
Food City, USA, Inc.

Illinois
Mrs. Grass Inc.
Prince Macaroni Mfg. Co.
Golden Grain Macaroni Co.
G. D'Amico Macaroni Co.

Kansas
American Beauty Macaroni Co.

Kentucky
Delmonico Foods Inc.

Louisiana
National Food Products, Inc.
Shreveport Macaroni Mfg. Co.

Massachusetts
Prince Macaroni Mfg. Co.

Michigan
Schmidt Noodle Mfg. Co.
Prince Macaroni Mfg. Co.

Minnesota
The Creamette Company
Pillsbury Company
Jenny Lee, Inc.

Missouri
American Beauty Macaroni Co.
Ravarino & Freschi Inc.

Nebraska
Gooch Food Products Co.
San Giorgio-Skinner, Inc.

New Jersey
Thomas J. Lipton, Inc.
A. Zerega's Sons, Inc.
Buitoni Foods Corporation
La Rinascente Macaroni Mfg. Co.
C.F. Mueller Company

New York
Paramount Macaroni Co.
Giola Macaroni Co.
Gourmet Pasta
Ronzoni Macaroni Company
Bravo Macaroni Company

Ohio
Weiss Noodle Company
Inn Maid Products, Inc.
German Village Products, Inc.

Oregon
Golden Grain Macaroni Company

Pennsylvania
San Giorgio-Skinner, Inc.
Conteluna Foods, Inc.
Philadelphia Macaroni Company

Tennessee
Ronco Foods, Inc.

Texas
O.B. Macaroni Company

Utah
Salt Lake Macaroni & Noodle Co.

Washington
Major Italian Foods Company
Golden Grain Macaroni Co.
U.S. Macaroni Mfg. Co.

Canada
Cantelli-Five Roses
Creamette Co. of Canada, Ltd.
General Mills Canada
Lancia Bravo Foods
Prima Macaroni
Catelli, Ltd.
Prince Macaroni Company
Gattuso Corporation

Interested parties are invited to submit their views concerning the allegations in the petition. Submissions should be filed in accordance with the procedures set forth in 15 CFR 2006.8 on or before December 31, 1981. In order to assure parties the opportunity to contest information provided by other interested parties, a rebuttal brief may be filed in accordance with the requirements of 15 CFR 2006.8 on or before January 14, 1982. For further information, contact Jane Bradley, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20506 (202) 395-3432.

November 30, 1981.

Jeanne S. Archibald,
Chairman, 301 Committee.

[FR Doc. 81-34894 Filed 12-4-81; 8:45 am]
BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18293; File No. SR-CBOE-81-25]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change. Comments requested on or before December 28, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on November 20, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities Exchange Commission the proposed rule change as described below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends Chapter XXI of the Rules of the Exchange to provide rules for trading in options on United States Treasury bills and to make certain conforming and nonsubstantive changes. Chapter XXI applies generally to options on Government securities. The proposed rule change states that certain of the existing rules of Chapter XXI are applicable only to options on underlying Treasury bonds and notes, and it adds a new Rule 21.31 applicable to options on underlying Treasury bills. This new rule includes the following terms of substance:

1. A Treasury bill is defined as a non-interest bearing Government security issued by the U.S. Treasury and sold at an original issue discount from par, with a term to maturity of not more than one year at the time of original issuance.

2. Procedures are established for adjusting the exercise price of Treasury bill options to reflect the term to maturity of the underlying Treasury bills.

3. Treasury bill options are proposed to be traded in respect of 13-week and 26-week Treasury bills, with a single 13-week Treasury bill option covering $1 million principal amount of underlying Treasury bills, a single "mini-series" option on 13-week Treasury bills covering $200,000 principal amount of underlying Treasury bills, a single option on 26-week Treasury bills covering $500,000 principal amount of underlying Treasury bills and a single "mini-series" option on 26-week Tresury bills covering $100,000 principal amount of underlying Treasury bills.

4. Treasury bill options will generally expire in the months of March, June, September and December with the term of options available for trading extending to as long as 15 months.

5. The exercise price of Treasury bill options will ordinarily be fixed at a percentage of the principal amount of the underlying security that is an intergral multiple of 1%. New series of options will be opened from time to time to reflect changes in prices of underlying Treasury bills.

6. Bids and offers for Treasury bill options will be expressed as a percentage (to the nearest $\frac{1}{100}$ of 1%) of the principal amount of the underlying Treasury bills, adjusted to reflect the term to maturity of the underlying Treasury bills.

7. The settlement of the exercise of Treasury bill options will take place once a week. The person obligated to make delivery may choose whether to settle on Thursday or Friday, but in either case the aggregate exercise price is determined as if settlement were made on Thursday. The delivery obligation may be satisfied by delivering the required principal amount of any Treasury bill having a term to maturity equal to or less than the designated maturity of the Treasury bills underlying the particular series of options. Nevertheless, the aggregate exercise price payable upon exercise will be calculated on the basis of the delivery of the longest term Treasury bills eligible to be delivered.

8. Position and exercise limits for Treasury bill options will be $500 million principal amount of underlying 13-week Treasury bills and $250 million principal amount of underlying 26-week Treasury bills. Reports are required to be submitted to the Exchange whenever a customer holds or is obligated in respect of $100 million or more principal amount of underlying 13-week Treasury bill options or $50 million or more principal amount of underlying 26-week Treasury bill options.

9. In addition to the general obligation to deal for their own accounts in the interest of maintaining a fair and orderly market, Market-Makers in Treasury bill options are expected to bid and/or offer in the two nearest term series of each class of Treasury bill options so as to create differences that do not exceed 10 basis points for options for which the bid is less than 1; 20 basis points for options for which the bid is 1 or more but less than 5; 30 basis points for options for which the bid is 5 or more but less than 10; and 40 basis points for options for which the bid is 10 or more. Maximum bid/offer differentials for all longer term series of each class of Treasury bill options shall be twice the differentials stated in the preceding sentence.

10. Minimum margin required for each Treasury bill option carried in a short position in a customer's account is 100% of the option premium plus a stated percentage of the principal amount of the underlying Treasury bills, less any amount by which the option is "out-of-the-money." The stated percentage depends upon the maximum term to maturity of the underlying Treasury bills: 0.35% where the maturity is 95 days or less, 0.50% where the maturity is 96 days or more but less than 190 days, and 0.75% where the maturity is 190 days or more. In any event, the minimum margin is $500 for each standard Treasury bill option and $100 for each mini-series Treasury bill option. Reduced margin may apply in the case of a put and a call each carried in a short position and in the case of certain spread positions involving both long and short positions in the same class of Treasury bill options.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change amends proposed Chapter XXI of the Rules of the Exchange, which pertains to options on Government securities, to provide rules for trading in options on United States Treasury bills (26-week bills and 13-week bills are proposed to be the subject of options). Chapter XXI is the subject of other prior filings currently before the Commission (File Nos. SR-CBOE-80-8 and 81-18), which concern rules governing trading in options on Treasury bonds (defined as securities haveing a term to maturity of more than 10 years) and Treasury notes (defined as securities having a term to maturity of at least 2 years but not more than 10 years). The addition of options on Treasury bills is intended to expand the risk-limiting and other uses of options in light of the unique characteristics of the market in short-term Government securities and other short-term debt instruments.

The Treasury bill options being proposed are "market basket" options that permit delivery of different maturities of Treasury bills upon exercise. The 26-week option permits delivery of any Treasury bill having 26 or fewer weeks to maturity, while the 13-week option permits delivery of any Treasury bill having 13 or fewer weeks to maturity. In each case, however, the aggregate exercise price is determined as if the longest maturity Treasury bill were delivered. Since Treasury bills trade at a discount from par which is greater for bills having a longer term to maturity, the effect of not adjusting exercise prices for shorter maturity deliveries is to assure that option premiums always reflect the market in the current 13-week or 26-week Treasury bill and to provide an economic incentive to make delivery upon exercise in the longest qualifying maturity. The purpose of permitting delivery in shorter maturities is simply to permit covered writers of call options to maintain their covered status without having to acquire new Treasury bills in each weekly auction, and to provide a "safety-valve" in case of unusual circumstances that limit the supply of 13- or 26-week Treasury bills.

The principal amount of underlying Treasury bills covered by the 26-week Treasury bill option is one-half the amount of Treasury bills covered by the 13-week Treasury bill option. Since the premiums for Treasury bill options are annualized, the effect of this difference in underlying principal amount is to make the premiums comparable between the two classes, thereby facilitating comparisons among all of the series of Treasury bill options that are traded.

The proposed rules for Treasury bill options include appropriate position and exercise limits and a requirement that large positions be reported to the Exchange. In each case these limits reflect amounts for 13-week Treasury bill options that are twice as large as for 26-week Treasury bill options. This is because the supply of 13-week Treasury bills includes previously issued 26-week Treasury bills that have only 13 weeks remaining to maturity, and therefore is considerably larger than the supply of 26-week Treasury bills.

The proposed rules also impose obligations on market-markers and establish minimum margin requirements that correspond to the requirements applicable to other Government security options, with appropriate adjustments to take into account the special characteristics of Treasury bill options.

The general provisions of Chapter XXI that deal with various other aspects of the market for Government security options will apply equally to Treasury bill options. These include matters pertaining to trading procedures, trade matching, sales practices, account handling and recordkeeping.

III. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not present any burden on competition.

IV. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Formal comments on the proposed rule changes have neither been solicited nor received.

V. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before January 11, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approved such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before December 28, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzimmons,

Secretary.

[FR Doc. 81-34979 Filed 12-4-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18295; File No. SR-CBOE-81-26]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of proposed rule change relating to Floor Officials. Comments requested on or before December 28, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on November 12, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change is as follows. Additions are italicized; deletions are bracketed.

Admission to and Conduct on the Trading Floor

Rule 6.20(a) Admission to Floor. Unless otherwise provided in the Rules, no one but a member or an Order Book Official designated by the Exchange pursuant to Rule 7.3 shall make any transaction on the floor of the Exchange. Admission to the Floor shall be limited to members, employees of the Exchange, clerks or messengers employed by members and registered with the Exchange, and such other persons as may be provided by resolution of the Board.

(b) Conduct on the Floor. A member of the Exchange may be fined an amount not to exceed $1,000 upon the determination of two Floor Officials that the member's conduct on the floor of the Exchange is such as to impair the maintenance of a fair and orderly market, or to impair public confidence in the operations of the Exchange. A member adversely affected by a determination made under this Rule may obtain a review thereof in accordance with the provisions of Chapter XIX.

(Fines imposed) *Any action taken* by Floor Officials hereunder shall not preclude further disciplinary action by the Business Conduct Committee under Chapter XVII of the Rules.

* * * Interpretations and Policies:

.01 Only those members who have been approved to perform a floor function are authorized to enter into transactions on the floor. Such members include Floor Brokers who are registered pursuant to Rule 6.71, Board Brokers who are registered pursuant to Rules 7.2 and 7.3 and Market-Makers registered pursuant to Rules 8.2 and 8.3 While on the floor such members shall at all times display a floor member's badge.

.02 Order Book Officials may effect transactions on the floor only in the classes of option contracts to which they have been assigned and only in their capacity as Order Book Officials.

.03 Rule 3.21 provides that a nonequity-options permit holder is entitled to enter into principal transactions as a Market-Maker in nonequity options on the floor of the Exchange until his permit expires.

.04 *The activities which may impair the maintenance of a fair and orderly maket or impair public confidence in the operations of the Exchange, include but are not limited to the following:*

(i) *Effecting or attempting to effect a transaction with no public outcry in violation of Rule 6.43 or 6.74;*

(ii) *Failure of a Market-Maker to respond to a request for a market by an Order Book Official pursuant to Rule 7.5;*

(iii) *Failure of a Market-Maker to bid or offer within the ranges specified by Rule 8.7(b);*

(iv) *Failure to abide by a determination of Floor Officials; and*

(v) *Refusal to provide information requested by a Floor Official acting in his official capacity.*

.05 *Two Floor Officials may nullify a transaction or adjust its terms if they determine the transaction to have been in violation of any of the following: (i) Rule 6.43 (manner of bidding and offering), (ii) Rule 6.45 (priority of bids and offers), (iii) Rule 6.46 (transactions outside the book's last quoted range), or (iv) Rule 6.47 (priority on split price transactions).*

II

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The primary purpose of the proposed rule change is to make explicit the authority of floor officials to fine for activities other than decorum-related offenses and to break or adjust trades effected in violation of the Exchange rules listed in proposed Interpretation .05. With this explicit authority, Floor Officials will be able to act promptly in response to violations of the Exchange rules referred to in proposed Interpretations .04 and .05. It should be noted that the list of rules in Interpretation .04 is not inclusive. It also should be noted that disciplinary action by the Exchange's Business Conduct Committee, which is normally more time consuming, is not precluded.

Rule 6.20(b) provides and will continue to provide for review of an action taken by Floor Officials by the Exchange's Appeals Committee pursuant to Chapter XIX of the Exchange rules. It is recognized that both the Business Conduct and Appeals Committees could have the same case before them and theoretically could come to different decisions. However, it is not desirable to add an appellate function to the already difficult role of the Business Conduct Committee. In addition, the benefits of prompt, effective action on the part of Floor Officials far outweigh the potential for different decisions if the two committees act on the same case.

The statutory basis for the proposed rule change is sections 6(b) (1), (5), (6) and (7), in that the rule change will enhance the Exchange's ability fairly to enforce compliance with its rules, to promote just and equitable principles of trade and to protect investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The proposed rule change will impose no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others.*

The Exchange solicited comments on the proposed rule change by means of a memorandum dated October 22, 1981 and sent to all members; however, no comments were received from members or from others.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before January 11, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before December 28, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 30, 1981.

[FR Doc. 81-34980 Filed 12-4-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0098]

Doan Resources Corp.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Doan Resources Corporation (Doan), 110 East Grove, Midland, Michigan 48640, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.1004 of the SBA Rules and Regulations, governing Small Business Investment Companies (13 CFR 107.1004 (1981)) for approval of a conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, Doan proposes to provide funds to Lifescan,

Inc. (LSI), for the purpose of providing additional working capital.

The proposed financing is brought within the purview of § 107.1004(b)(1) of the Regulation because Mr. James R. Weering a stockholder in LSI, is an Investment Advisor to the Licensee, and therefore is considered an Associate of Doan Resources Corporation as defined by § 107.3 of the Regulations.

Notice is hereby given that any interested person may, not later than December 17, 1981, submit written comments on the proposed transaction to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: December 1, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-35034 Filed 12-4-81; 8:45 am]

BILLING CODE 8025-01-M

Westamerican Capital Corp.; License Surrender

[License No. 09/09-0277]

Notice is hereby given that Westamerican Capital Corporation (WCC), 180 Newport Center Drive, Suite 200, Newport Beach, California 92660, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). WCC was licensed by the Small Business Administration on January 24, 1981.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on November 18, 1981, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 1, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance & Investment.

[FR Doc. 81-35035 Filed 12-4-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-089]

Regulatory Flexibility Act Review of Coast Guard Rules and Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: The Regulatory Flexibility Act requires the Coast Guard to periodically review those of its regulations which have a significant impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions. This notice solicits public input to aid the Coast Guard in the grouping of regulations for review and in selecting those regulations which should be reviewed first.

DATE: Comments solicited in this notice are due April 6, 1982.

ADDRESS: Comments should be mailed to Commandant (G-CMC/44) (CGD81-089), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered to and will be available for inspection or copying from 7:00 am to 5:00 pm, Monday through Thursday, except holidays, at the Marine Safety Council (G-CMC/44), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-1477.

FOR FURTHER INFORMATION CONTACT:

CDR A. D. UTARA, Executive Secretary, Marine Safety Council (G-CMC/44), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593 (202) 426-1477.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Coast Guard's regulations are codified in Parts 1 through 199 of Title 33, Parts 1 through 199 and 401 through 403 of Title 46 and Parts 420 through 453 of Title 49 of the Code of Federal Regulations (CFR). The Regulatory Flexibility Act (RFA) (Pub. L. 96-354, 5 U.S.C. 601 et. seq.) requires the Coast Guard to periodically review existing regulations that have a significant economic impact on a substantial number of small entities. In the June 29, 1981 **Federal Register** (46 FR 33405) the Coast Guard, as a part of the Department of Transportation's Notice of RFA review plans, published notice that it was undertaking a review of its rules to determine appropriate groupings to be considered "regulations" for the purpose of the RFA review.

Selection of Rules for Review

The Coast Guard has determined that, for the purposes of this review, the CFR Part will serve as the basic review unit. Recognizing that it may be appropriate to review several closely related CFR Parts concurrently or to divide the CFR Parts into smaller coherent units the Coast Guard will, in some instances, combine or subdivide CFR Parts for review. The Coast Guard will, by August 1, 1982, screen its rules and regulations in order to identify those which it believes do not have or will not have a significant impact on a substantial number of small entities. A list of all rules so identified will be published in the **Federal Register**. Barring public comment identifying the significant impact of these regulations on a substantial number of small entities, these regulations will not be further reviewed under the RFA. The Coast Guard believes that by eliminating this group of regulations it will be better able to plan its regulatory review work load and more efficiently concentrate on the more significant regulatory areas. The remaining rules and regulations will be scheduled for RFA review.

By October 1, 1982 and by October 1 of each succeeding year, a list of those remaining rules and regulations which have been selected for review during the succeeding year will be submitted by the Coast Guard for publication in the **Federal Register** as part of the Department's Semi-Annual Regulations Agenda and Review List. Appropriate information will be provided for each rule, including a brief description of the rule and the need for and legal basis of the rule. Public comment to aid in the review will be solicited.

The purpose of the RFA review will be to determine whether the rules should be continued without change, or should be amended or rescinded to minimize any substantial economic impacts of such rules upon a substantial number of small entities in a manner consistent with the statutes authorizing the rule. The factors that will be considered in this RFA review were specified in the Department's RFA review plan (46 FR 33404). The Coast Guard will review all such rules in effect on January 1, 1981 within ten years of that date. All rules adopted after January 1, 1981 will be reviewed within ten years of their adoption as final rules.

At the same time as it is conducting its screening of regulations for RFA review, the Coast Guard will concurrently screen its regulations with the added objective of identifying rules that may no longer serve the public

interest, even though they may not affect small entities. The goal of this screening is to identify those regulations which are no longer cost effective, obsolete, overly restrictive or overly burdensome or which duplicate or overlap other regulations. Rules identified in this screening process will be scheduled for modification in accordance with the appropriate procedures.

Public Participation

To help the Coast Guard in these screening processes and to aid in selecting the regulations which should be reviewed first, interested persons or organizations, especially small entities, are asked to identify any existing regulations which they feel might have a significant impact on a substantial number of small entities. The Coast Guard asks that these commenters provide: (1) the CFR citation, (2) a description of the economic effects of the regulation on small entities, (3) identification of any disproportionate effects, and (4) any recommendations for changes. Further, the Coast Guard invites comments regarding its selection of the CFR Part as the basic review unit or any suggestions for grouping or subdivision of CFR Parts into other coherent review units. Any additional pertinent comments or data will also be welcomed.

Dated: December 2, 1981.

CDR A.D. Utara,

Regulations Officer, U.S. Coast Guard.

[FR Doc. 81-35021 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-14-M

[CGD 81-093]

Port Access Route Study

AGENCY: Coast Guard, DOT.

ACTION: Notice of study results.

SUMMARY: The purpose of this notice is to publish results of the Port Access Route study announced on April 16, 1979, in the **Federal Register** (44 FR 22543) and modified on January 31 1980 (45 FR 7026). Only the results for study areas 26 to 29 are published in this notice. Generally, these areas include the coasts of Oregon and Washington. The establishment of new vessel traffic routing measures is considered unnecessary at the present time within study areas 26, 27, and 28. Also, it is recommended that the port access routes for the entrance to the Strait of Juan de Fuca in area 29 continue to be addressed under a cooperative U.S./Canadian agreement.

Background

The Ports and Waterways Safety Act (PWSA) (Pub. L. 95-474, 92 Stat. 1473; 33 U.S.C. 1223), mandated that the Coast Guard "undertake a study of the potential traffic density and the need for safe access routes." The **Federal Register** for April 16, 1979 (44 FR 22543), announced the scope of the study and included a description of each area be studied. Coast Guard district staff officers were assigned responsibility for executing the study; and it has been conducted under the standards contained in sections 4 and 5 of the PWSA. As a result of the study, appropriate ship's routing measures, such as safety fairways and traffic separation schemes, may be proposed. Where the study indicates that no new routing measures are to be designated in an area, notice of such a conclusion is to be published in the **Federal Register.** However, areas for which results are published may be studied again in the future as changes in conditions warrant re-evaluation.

Results for areas 5, 5a and 6 (New York and Delaware approaches and Long Island Sound) were published in 46 FR 49035; for areas 13 to 20 (coasts of South Carolina, Georgia and Florida) in 46 FR 48376; and for area 21 (Gulf of Mexico) in 46 FR 49989. Results for the remaining study areas (1 to 4 in New England, 7 to 12 along the Mid-Atlantic coast, 22 to 25 along California, and 30 to 32 along Alaska) will be published in a future **Federal Register.**

The Thirteenth Coast Guard District performed the study for areas 26 to 29. Geographically, these areas are described as follows:

Area 26: Oregon Coast.
Enclosed by the coast and a line bearing 270° T from the coast at 42° N latitude to a point 125°10.0' W longitude; thence a line bearing 357° T to 45°35.0' N latitude, 125°25.0' W longitude; thence a line bearing 090° T to the coast.

Area 27: Includes Columbia River Entrance.
Enclosed by the coast and a line bearing 270° T from the coast at 45°35.0' N latitude to 125°25.0' W longitude; thence a line bearing 349° T to 46°45.0' N latitude, 125°45.0' W longitude; thence a line bearing 090° T to the coast.

Area 28: Washington Coast.
Enclosed by the coast and a line bearing 270° T from the coast at 46°45.0' N latitude to 125°45.0' W longitude; thence a line bearing 344° T to 47°45.0' N latitude, 126°10.0' W longitude; thence a line bearing 090° T to the coast.

Area 29: Includes the entrance to the Strait of Juan de Fuca.
From the coast, including the entrance to the Strait of Juan de Fuca, seaward to the 1800 meter curve, from 47°45.0' N latitude to the limit of Canadian jurisdiction.

The following study results do not go into detail on area 29, since development of access routes to the Strait of Juan de Fuca is part of the Canadian-United States *Agreement for a Cooperative Vessel Traffic Management System for the Juan de Fuca Region* (December 19, 1979). That joint effort will establish a vessel traffic management service, including a traffic separation scheme (TSS) at the entrance to and within the Strait of Juan de Fuca. This TSS has been adopted by the Marine Safety Committee of the Inter-Governmental Maritime Consultative Organization (IMCO); and, by international agreement, the TSS will become effective on January 1, 1982.

Study Method and Findings

1. *Shipping and Navigation.* Vessel traffic on the Washington-Oregon outer continental shelf consists of commercial vessels such as bulk carriers, freighters, tankers, tug and barge traffic, commercial and charter fishing vessels and pleasure craft. In the progress of this study the term "deep draft" will mean those vessels required by Title 33, Code of Federal Regulations, Part 161 (Vessel Traffic Management) to provide an advance notice of arrival and will necessarily include bulk carriers, freighters, tankers, etc. These larger ships and tugs operate out of Puget Sound ports, Columbia River ports, Coos Bay and Grays Harbor.

2. *Vessel Traffic Patterns and Densities.* Of primary importance in the evaluation of routing needs is accurate assessment of where the traffic is and how much there is of it. For the purpose of this study, commercial traffic has been broken down into five basic patterns:

(1) Columbia River traffic bound for an overseas location;

(2) Columbia River traffic bound south coastwise;

(3) Columbia River traffic bound north coastwise;

(4) North-South coastwise traffic (i.e., from locations in Puget Sound, Canada, etc. transiting coastwise to California, Panama Canal, etc.); and

(5) South-North coastwise traffic.

An analysis of data obtained from vessel arrival/departure logs over a two month period (March/April 1980) has been conducted in order to yield approximate transit statistics. The following is an analysis of traffic:

a. The primary route for deep draft traffic exiting all Columbia River and Puget Sound Ports is a direct great circle route to a Far Eastern location (218 vessels westbound and 152 vessels

eastbound over two months). This Far East trade route would not be considered in a recommended coastwise routing scheme, but would be considered in a port access scheme.

b. Coastwise traffic was measured at 72 vessels northbound and 62 vessels southbound over two months. Deep draft traffic entering Columbia River ports was counted at 96 vessels from the south and 118 from the north. Traffic exiting the Columbia River was counted at 77 vessels going south and 71 turning north. It is with these figures that this study is primarily concerned. The data indicates, on the average, the combined north/south traffic along the coasts of Washington and Oregon is between 1.5 and 2.5 deep draft vessels passing a given point on any given day. Even if these figures were doubled to account for statistical error, the traffic density still remains slight by any standard.

3. *Potential Traffic Density.* a. The number of vessels calling at Northwest ports and tonnage transported has been increasing slightly. Of importance, however, is the worldwide trend of barges and vessels becoming larger in size as fuel consumption and labor costs dictate more efficient transportation. A comparison of the Department of Commerce statistics for August 1978 and 1979 shows a decrease in the U.S. Merchant Marine Fleet of 13 deep draft vessels but an increase in their capacity by 1.6 million dwt.

b. There is a good possibility that trade will increase between the People's Republic of China and the Pacific Northwest. Whether the Puget Sound or Columbia River ports will dominate has not yet been determined.

c. Grain and log exports from the Northwest could decrease in the near future. A large portion of the grain has normally been destined for the USSR; however, the international situation can cause the tonnage to fluctuate. Log exports should remain stable or decrease as domestic concerns for this valuable natural resource increase. The current decline of employment in west coast lumber mills could impact the export of raw logs. Efforts are underway to increase the exporting of finished forest products.

d. A remote, long-term potential traffic density problem could occur as the costs of fuels increase with a significant rise in canal tolls for the Panama Canal Zone: conceivably, it could prove more economical to divert Far East shipping to Northwest ports for further transportation to the Mid-West and East Coast markets.

4. *Weather.* Wind, rain and fog are major considerations for the mariner along the Washington and Oregon coasts. Hazardous river bar conditions unique to this area can create problems for river entry. The impact of this condition is normally a delay in the time of river entry with subsequent standing off the coast by the vessel until conditions improve.

5. *Outer Continental Shelf (OCS) Development.* The Bureau of Land Management lease sales projected through 1985 do not include any areas off the Oregon-Washington coast. However, the U.S. Geological Survey has recently granted permits to the Western Geophysical Company of Houston, Texas, to conduct geophysical surveys in waters off Oregon and Washington.

6. *Statistics.* a. *Coos Bay, Oregon*—Over 500 commercial vessels excluding fishing vessels, call each year. Over 50% of this figure represents deep draft vessels which are enaged in coastal traffic while the remainder carry forest products to Japan. Bulk carriers and a few coastal petroleum product tankers are the major users of the port.

The total bar crossing by vessels utilizing pilotage (In and Out) are:

1977—690;
1978—624; and
1979—686.

b. *Newport, Oregon*—Newport averages about 20 deep draft vessels per year. Most of these vessels are bulk carriers transiting to and from Japan.

c. *The Columbia River Ports*—These ports average about 1800 deep draft vessels per year. Approximately 75% of this traffic is on its way to or from foreign ports. The total bar crossings by vessels utilizing pilotage (In and Out) for the River's entrance are:

1970–3870;
1975–3788; and
1978–4493.

Additional vessels consist of tuna clippers, tugs and barges, charter fishing vessels, private fishing vessels and pleasure craft.

d. *Grays Harbor, Washington*—The total bar crossings by vessels utilizing pilotage (In and Out) are as follows:

1977–420;
1978–485; and
1979–604.

Again the majority of this traffic is engaged in foreign trade. These statistics account for only large commercial vessels and do not include the pleasure craft, charter fishing vessels, small tugs and barges or commercial fishing vessels.

7. *Towboat Traffic.* Most of the tugboats and their tows proceed relatively close to shore. Their track lines are dependent on their origin, destination and the weather. In general, most of them cruise parallel to the coast at about the 30 fathom curve. According to the Northwest Tow Boat Association approximately 30 tugs per month transit the coastal waters. This tug traffic can conflict with crab fishing near shore and with black cod fishing further offshore. However, this potential problem has been avoided through informal agreements between towboat operators and crab/black cod fishermen since 1973. These agreement establish fishing/traffic lanes from Destruction Island, Washington (midway between the entrance of the Strait of Juan de Fuca and Grays Harbor) to San Francisco, California. The lanes are renegotiated annually by the fishing and towboat interests. A Coast Guard Notice to Mariners is published to inform all concerned of the agreed upon routes and radio contact frequencies. During the six years that the lanes have been in existence there has been very little interference between the two parties in the geographic areas covered. As a result of recent changes in fishing areas and techniques and an increase in coastal towboats traffic, the lanes were renegotiated in October 1981.

8. *Fishing Vessels.* The entire Washington-Oregon Outer Continental Shelf (OCS) is subject to regular commercial fishing at some time during the year, whether crabbing, salmon trolling or bottomtrawling. During the crabbing season there is usually a large concentration of crab pots between shore and out to about 30 fathoms. Between 50 and 70 foreign vessels (of approximately 300' in length) use OCS waters around the 100 fathom curve to fish for hake during spring, summer and early fall. Domestic vessel numbers range from several hundred to thousands along the Washington/Oregon coast depending on the time of year. Construction of larger U.S. registered fishing vessels which are capable of remaining at sea longer through increased fuel storage, crew accommodations/provisions and more sophisticated means of storing or processing the fish on board will most likely result in a total decrease in the number of vessels engaged in fishing with an increase in the total catch. The mobile nature of west coast fishing areas in such that the annual voluntary "agreements" provide an extremely effective means of traffic routing with the degree of versatility necessary for traffic control.

9. *Existing Routes.* There are presently three routing systems for offshore traffic and port access.

a. *Offshore*—The "U.S. Coast Pilot 7, Pacific Coast" publishes a recommended route for coastal traffic. The Coast Pilot route for the offshore areas of Washington and Oregon consists of basically three rhumb lines as follows:

7 miles off Cape Blanco (43° N) direct to 7 miles off the Columbia River entrance to 7 miles off Cape Alava (48° N) to the Strait of Juan de Fuca entrance. The sourthern half has depths from 70 to 150 fathoms with a general depth of 100 fathoms. The northern half depths are generally in the vicinity of 40 fathoms. The general distance offshore is from 10 to 15 miles with a closing to 7 miles at the turn point. This general decrease in distance offshore facilitates more precise navigation at the turn points through the use of radar, radio beacon and fathometer information. The Coast Pilot suggests southbound vessels shape courses through positions a mile further off the mainland.

b. *TAPS Routes/Strait of Juan de Fuca TSS*—North and South bound Trans-Alaska Pipeline System (TAPS) Routes were established and published in a 1977 Notice to Mariners. These are "recommended" routes and are thus voluntary. In response to Canadian environmental concerns, the U.S. is considering a revision which will move the routes further offshore where they parallel the Canadian coastline. The revision will be coordinated with the new TSS at the entrance to the Strait of Juan de Fuca.

c. *Port Accesses*—A passive system of aids to nagivation (i.e., buoys, ranges, lights, day markers and prominent shoreside points), guides the mariner through the channels and across the bars of the Northwest ports. In addition to this, Commander, Thirteenth Coast Guard District publishes a "Guide to Hazardous Bars" which offers local knowledge and experience for the mariner's use. A copy of this guide is available from the Thirteenth Coast Guard District Office in Seattle, Washington.

10. *Previously Proposed Routes.* On 19 July 1979, the Pacific Merchant Shipping Association submitted a copy of a proposed vessel routing fairway system along the entire West Coast. This proposal was originally submitted to the Honorable Mario Biaggi, Chairman, House Subcommittee on Coast Guard and Navigation. The intent of the proposal is to insure mariners that clear shipping lanes are available where exploratory offshore platforms are established. The proposal was considered, in part, by the Port Access Route Study Group.

11. *Study Results.* 238 letters were mailed to various parties soliciting comments relative to the Port Access Route Study. A summary of letters sent and answers received follows:

Addressee	Solicitations	Response
Ports/pilots	32	8
Government agencies	30	7
Citizens/groups/associations/commissions	15	1
Steamship companies	51	2
Yacht clubs	24	0
Oil companies	18	0
Fish industry	39	1
Other companies	29	2
Total	238	21

A summary of the significant responses follows:

—*Washington State DOT Board of Pilotage Commissioners*—"It is too bad the Coast Guard can't consider vessel densities and safe routing of ships as affected by other reasonable uses (i.e., fishing, pleasure, or regatta boating) here in Puget Sound while they are at it."

—*Seaspan International Ltd of North Vancouver B.C.*—"* * * we consider it imperative that approaches to Harbors and the Straits of Juan de Fuca remain free of offshore structures and facets of the fishing industry that would impede the safe navigation of heavy tonnage vessels or tugs with tows. We would only be interested in any proposal of a shipping route in the subject area if Rule 10 of the 72 COLREGS was applicable so that all users of the waterways are fully made aware that under Rule 10 a vessel engaged in fishing shall not impede the passage of any vessel following a traffic lane." SEASPAN has found the Fishing/Towboat lanes as established "have been of great assistance to their Masters who through the information passed on to them have been able to stay clear of the majority of these users."

—*Northwest Towboat Association* and *TOTEM Ocean Trailer Express, Inc.*—Submitted comments and information.

—*Crowley Martime*—provided important information on offshore structures and the possible effect on maneuvering tugs with tows.

—*Mobil Oil Company and American Petroleum Institute*—supported the belief that port access routes should no be used where there is not a clear need.

12. *Conclusions.* a. It would appear the major advantage of establishing routes and lanes would be to secure or reserve some areas for safe navigation and others for offshore structures. It is clear that an increase in either activity could necessitate routing measures. However, for the present and foreseeable future this situation is not envisioned for the coastal areas of Washington and Oregon. Traffic densities and lack of fixed offshore structures are such that established routes and lanes would not contribute to safety.

b. The designation of a traffic lane must take into account the inconveniences to fishermen and recreational boaters who must abide by Rule 10 of the international navigation rules while in the vicinity of a lane. Recreational boaters would be expected to navigate with the same precision required of larger vessels. Also, fishermen might have to forgo a potentially profitable catch because they are subject to Rule 10 once they are in a lane.

c. Of paramount concern is vessel safety. In areas where fixed lanes or routes are not really necessary, they may promote complacency in accurate navigation, prudent seamanship, and watchstanding alertness.

d. The offshore areas of Washington and Oregon experience unusually harsh weather conditions. Often this weather dictates the safe course and speed for transiting vessels. The establishment of fixed lanes in open sea areas might inhibit the flexibility of the mariner for keeping his vessel safe.

13. *Recommendation.* It is recommended that port access routes for the entrance to the Strait of Juan de Fuca continue to be addressed under the U.S./Canadian Agreement as a rule making project separate from, but under the same general guidelines as described in **Federal Register**, 16 April 1979.

Designation of access routes for Study areas 26, 27 and 28 are not recommended for the following reasons:

a. Effective voluntary route agreements are in effect governing fishing and towing vessels in the near shore area of of Oregon and Washington. These voluntary agreements as published in "Notice to Mariners" facilitate deep draft navigation.

b. No man-made obstructions to navigation presently exist in these port access study areas and none are contemplated in the near term.

c. The density of coastwise deep draft traffic does not warrant fixed access routes.

d. Outer Port Access areas are characterized as presenting exceptional sea room for competing interests. The practical effect is that the right of navigation is not being encumbered by other uses. The inner access areas, approaches to the Columbia River bar,

etc., are used exclusively for navigation, and, by nature, the needs of navigation are paramount.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Young, Office of Navigation (G–NSR–3), Room 1418, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593, (202) 426–4958 between 7:30 and 4:30 p.m. Monday through Thursday, except holidays.

Dated: December 1, 1981.

R. A. Bauman,

Rear Admiral, Coast Guard, Chief, Office of Navigation.

[FR Doc. 81–35022 Filed 12–4–81; 8:45 am]

BILLING CODE 4910–14–M

Federal Aviation Administration

Flight Standards District Office at Fort Worth, Tex., and San Antonio, Tex.; Office Name Change

Notice is hereby given that on or about January 1, 1982, the name of the Flight Standards District Office at Fort Worth, Texas, and San Antonio, Texas, will be changed to General Aviation District Office. There will be no change in services provided to the public. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752 (49 U.S.C. 1354))

Issued in Fort Worth, Tex., on November 25, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81–34930 Filed 12–4–81; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Los Angeles County, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Los Angeles County, California..

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440–2804.

SUMMARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) will prepare an Environmental Impact Statement (EIS) on a proposal to improve access to Los Angeles International Airport (LAX) and the surrounding areas by the selection and implementation of one or more of the following alternatives.

Alternative 1—Full Interchange: Construct full interchange at Arbor Vitae Street providing all traffic movements.

The existing northbound on-ramp from Manchester Street to I–405 and the existing off-ramp (Collector Road) to La Cienega Boulevard will be altered. A slip-ramp will be constructed between the collector road and the on-ramp. This will allow northbound traffic from Arbor Vitae Street to enter I–405 via the collector road, I–405 slip-ramp and on-ramp.

Alternative 2—Half Interchange: Construct southbound off and northbound on-ramps to Arbor Vitae Street to serve traffic to and from the north.

Alternative 3—Null (No Project): This would leave existing conditions as they are into the foreseeable future.

Alternative 4—Southbound, off ramp only: Construct a southbound off-ramp to Arbor Vitae Street providing traffic movements from the north only.

A scoping meeting is tentatively scheduled during December, 1981, to encourage affected parties to identify issues and insure that matters of importance are not overlooked in the early stages of review.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on November 25, 1981.

Albert J. Gallardo,

District Engineer, Sacramento, California.

[FR Doc. 81–34860 Filed 12–4–81; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. 75–29; Notice 6]

Safety Aspects of Motorized Bicycles; Notice of Amendment to Agency Guidelines; Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of amendment to agency guidelines; request for comments.

SUMMARY: This notice advises the public that the definition of "moped" in NHTSA's guidelines for State moped safety programs has been amended by deleting any reference to pedals. The amendment is based on the agency's finding, in response to an industry petition, that no significant safety differences exist between mopeds with pedals and those without pedals.

DATE: Comments must be submitted by January 6, 1982.

ADDRESS: Comments should refer to the docket and notice number and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis Buchanan, Driver and Pedestrian Safety Division, Traffic Safety Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590, (202) 426–2180.

SUPPLEMENTARY INFORMATION: On October 23, 1980, the National Highway Traffic Safety Administration published a series of 19 recommended guidelines for comprehensive State moped safety programs (45 FR 70366). The guidelines were intended to assist the States in developing effective programs to reduce the number and severity of moped accidents. Accompanying the guidelines was a recommended definition of a moped.

The definition adopted in the recommendations was developed by the National Committee on Uniform Traffic Laws and Ordinances (NCUTLO) and had been published in the 1979 Supplement III of the Uniform Vehicle Code (UVC). That definition described a moped as follows:

> A moped is a motor-driven cycle both with pedals to permit propulsion by human power and with a motor which produces not to exceed two brake horse-power and which is not capable of propelling the vehicel at a speed in excess of 30 mph (48.km/h) on level ground. If an internal combustion engine is used, the displacement shall not exceed 50cc and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

On December 15, 1980, the Motorcycle Industry Council ("MIC") petitioned the agency: 1) to withdraw the final recommendation in Docket No. 75–29 that defines "moped"; and 2) to establish a common definition of moped for the regulatory program under the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1981 et seq.) and for the grant program under the Highway Safety Act (23 U.S.C. 401–407), and to amend regulations to incorporate that definition.

The MIC stated that the pedal requirement in the definition was not based on performance criteria and therefore arbitrarily discriminated against mopeds without pedals. The agency thereupon analyzed the performance characteristics of the vehicles and could ascertain no significant safety benefit for pedals.

In its petition for rulemaking, the MIC proposed an amended definition which contained no reference to pedals. The agency has adopted the MIC definition, with minor changes for clarity, as the definition for the agency's guidelines for State moped safety programs. The definition is as follows:

"Moped" means a motor-driven cycle whose speed attainable in 1 mile is 30 mph or less, which is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the piston displacement shall not exceed 50 cc and the power drive system shall not require the operator to shift gears.

Interested persons are invited to submit comments on the amended definition to the address given above. It is requested but not required that five copies be submitted. The comments will be maintained in the docket and will be considered in the context of any future amendments, either to the highway safety program guidelines or to the definitions applicable to motor vehicle safety standards (49 CFR Part 571.3).

Issued on November 30, 1981.

Charles F. Livingston,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 81-34879 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Cancellation and Rescheduling of Meeting

This notice is given to advise of the cancellation of the Minority Business Resource Center Advisory Committee meeting originally scheduled to be held December 14, 1981. Notice of meeting was published in the **Federal Register** issue of November 27, 1981 (46 FR 57955).

Notice is hereby given of the rescheduling of said meeting for January 18, 1982, at 9:00 a.m. until 1:00 p.m. in Room 580 at 2 Embarcadero Center, San Francisco, CA 94111. The agenda for the meeting remains the same as published in the issue of November 27, 1981.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource Center, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on December 1, 1981.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 81-34971 Filed 12-4-81; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Customs Service

American Manufacturer's Petition to Classify Household Glassware; Extension of Time for Public Comment

AGENCY: Customs Service, Treasury.

ACTION: Notice of extension of time for comment.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments with respect to a notice of receipt of an American manufacturer's petition relating to the classification of imported household glassware. A document inviting the public to comment on this notice of receipt of an American manufacturer's petition was published in the **Federal Register** on November 12, 1981 (46 FR 55822). Comments were to have been received on or before December 14, 1981. A request has been received to extend the period of time for the submission of comments claiming that additional time is needed to secure and have tested imported glassware, and prepare a brief of the pertinent facts and law in response to the invitation for comments. Customs believes additional time for comment is warranted. Accordingly, this notice extends the period of time for comment to February 16, 1982.

DATE: Comments must be received on or before February 16, 1982.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lindmeier, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5727).

Dated: December 1, 1981.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 81-34966 Filed 12-4-81; 8:45 am]

BILLING CODE 4820-02-M

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Comprehensive Master Plan for Management of the Upper Mississippi River System; Special Meeting

The last meeting of the Upper Mississippi River Basin Commission, 7920 Cedar Avenue South, Suite 210, Minneapolis, Minnesota 55420, 612-725-4690, will be held Monday, December 14, 1981, at 2:00 P.M. in St. Louis, Missouri, at Stouffer's Riverfront Towers. The purpose of the meeting is the final approval of the Comprehensive Master Plan for the Management of the Upper Mississippi River System, for publication and submission to Congress by January 1, 1982.

Rodney N. Searle,

Chairman.

[FR Doc. 81-34741 Filed 12-4-81; 8:45 am]

BILLING CODE 3410-02-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 234
Monday, December 7, 1981

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

CIVIL AERONAUTICS BOARD

[M-339, December 2, 1981]

TIME AND DATE: 10 a.m., December 9, 1981.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Report to the Department of Health and Human Services on the Board's Implementation of Age Discrimination Act of 1975, as amended. (OGC)
3. Agreements among members of the International Air Transport Association (IATA) amending the IATA Passenger Sales Agency Administration Rules (Agreement CAB 28518-R1) and the IATA Passenger Sales Agency Agreement (Agreement CAB 28518-R2) applicable in the United States. (Memo 938, BDA, OGC, BIA)
4. Commuter carrier fitness determination of Greater Pacific Airways, Inc. (Memo 949, BDA)
5. Commuter carrier fitness determination of New England Airlines, Inc. (BDA)
6. Dockets 39422, 39423, 39424; 90-day notices of Air Midwest, Inc. to reduce service at Roswell, New Mexico and to suspend all services at Carlsbad and Hobbs, New Mexico. (BDA, OCCR)
7. Docket EAS-352; Review of Essential Air Service Determination for Merced, California. (Memo 133-B, BDA, OGC, OCCR)
8. Docket 39781—Petition of Dulles Policy Task Force for discussion authority under section 412 and antitrust immunity under section 414. (BDA, OGC, BCCP)
9. Simplified Charter Rules. (BDA, BIA, OGC)
10. Oversales, (OGC, BCCP, BDA, BIA)
11. Dockets 30699, 30790, 34579, 39004, 36962 and 34485: *Oakland Service Case, U.S.-Benelux Low-Fare Proceeding, Application of Aeroamerica, Inc., for §§ 408 and 409 Approval, Applications of Aeroamerica, Inc. for Certificate Authority, Application of Aeroamerica, Inc. for an Exemption.* (Memo 143-A, OGC)
12. Dockets 33363, 38976 and 38977, *Former Large Irregular Air Service Investigation, Applications of United Air Carriers, Inc. d/b/a/ Overseas National Airways.* (OGC)
13. Docket 39855—Application of South Pacific Island Airways, Inc. to amend its certificate for Route 281-F to serve additional points in the South Pacific. (BIA, OGC, BDA, BALJ)
14. Dockets 39935, 39799, 40035, 39942, 39949, 38721, 39888 and 39886—Applications of Action Air Cargo, Arrow, Challenge, Flying Tiger, Global, Rich, and Southern for certificates of public convenience and necessity to provide scheduled all cargo service between the United States and Latin America (BIA, OGC, BALJ)
15. Recent Negotiations with Japan. (BIA)
16. Docket 39710, Complaint of United Air Lines, Inc., against Japan Civil Aviation Bureau and Japan Air Lines, Co., LTD. (BIA)
17. Report on Poland. (BIA)
18. Report on Argentina. (BIA)
19. Upcoming meetings on ECAC. (BIA)
20. Docket 39692, United States-Chile Show Cause Proceeding. (Memo 481-C, BIA, OGC, BALJ)
21. Docket 39650—Application of Fast Air Carrier LTDA. For amendment of its foreign air carrier permit to engage in scheduled foreign air transportation between Chile, via intermediate points, and Miami/New York. (BIA, OGC, BALJ)

STATUS:

1-14 (Open)
15-21 (Closed)

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1829-81 Filed 12-3-81; 4:20 pm]
BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, December 8, 1981.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Application of the Chicago Mercantile Exchange for Designation as a Contract Market in Three-Month Eurodollar Time Deposit Rates.

CONTACT PERSON FOR MORE INFORMATION:
Jane Stuckey, 254-6314.

[S-1822-81 Filed 12-3-81; 9:11 am]
BILLING CODE 6351-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Special Closed Meeting on the subject listed below on Wednesday, December 9, 1981, at 9:30 a.m., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., Subject

General—1—Program Recommendations for the FY 82 and FY 83 Budgets.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: December 2, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-1824-81 Filed 12-3-81; 10:36 am]
BILLING CODE 6712-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., December 9, 1981.

PLACE: Room 9306, 825 North Capitol Street, NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda—738th Meeting, December 9, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3322, Mason County Public Utility District No. 1
CAP-2. Project No. 2157, Public Utility District No. 1 of Snohomish County and City of Everett, Washington

CAP-3. Project No. 3494, Noah Corp.; Project No. 3667, Mitchell Energy Co., Inc.; Project No. 3960, Energenics System, Inc.; Project No. 4017, City of Pittsburg, Pennsylvania
CAP-4. Omitted
CAP-5. Project No. 3509, Little Falls Hydroelectric Associates; Project No. 4341-000, Niagara Mohawk Power Corp.; Project No. 4339-000, Mohawk Energy Corp.; Project No. 5512-000, New York State Energy Research and Development Authority
CAP-6. Project No. 3671-000, Borough of Central City, Pennsylvania and Mitchell Energy Co., Inc.; Project No. 3955-000, Energenics Systems Inc.
CAP-7. Project No. 4247-001, Long Lake Energy Corp.
CAP-8. Project No. 3417, Southeastern Renewables Resources, Inc. and Town of Grafton, West Virignia; Project No. 3476, Noah Corp., Project No. 4067, City of Bedford, et al.; Project No. 4239, City of Philippi, West Virginia; Project No. 4255, Taylor County Commission and the Town of Flemington, West Virginia
CAP-9. Project No. 5217, Niagara Mohawk Power Corp.
CAP-10. Project No. 2899-001, Twin Falls Canal Co. and North Side Canal Co., Ltd.; Project No. 3406-000, Cook Electric Co.; Project No. 3910-000, Idaho Water Power.; Project No. 4583-000, Mrs. Charles L. Baily and Mr. Everett M. Baily
CAP-11. Project Nos. 3404-001 and 3405-001, Blachy-Lane County Cooperative Electric Association; Project No. 3931-000, Milton Freewater Light & Power and Oregon Public Power Agency; Project No. 3987-000, Charles Molsee; Project No. 4258-000, Mason County Public Utility District No. 3; Project No. 4403-000, West Extension Irrigation District; Project No. 3891-000, East Fork Irrigation District
CAP-12. Project Nos. 3942-000, 4089-000 and 4217-000, Mason County Public Utility District No. 3
CAP-13. Project No. 2004, Holyoke Water Power Co.
CAP-14. Docket No. ER81-662-000, Central Power & Light Co.
CAP-15. Docket No. ER82-23-000, West Texas Utilities Co.
CAP-16. Docket Nos. ER81-341-000 and ER81-341-001, Kentucky Utilities Co.
CAP-17. Docket No. ER81-764-000, Minnesota Power & Light Co.
CAP-18. Docket No. ER80-241, Superior Water, Light & Power Co.
CAP-19. Docket No. ER80-557 and ER80-558, Philadelphia Electric Co.
CAP-20. Docket No. ER80-363-001, Delmarva Power & Light Co.
CAP-21. Docket No. ER80-140, Public Service Co. of New Hampshire
CAP-22. Docket No. EL81-17, Iowa Electric Light & Power Co.
CAP-23. Docket No. ES81-63-000, Pacific Power & Light Co.
CAP-24. Docket No. ES81-71-000, Iowa Power & Light Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM79-76 (New Mexico—7), High-cost gas produced from tight formations
CAM-2. Docket No. RM79-76 (Colorado—16), High-cost gas produced from tight formations
CAM-3. Docket No. RM79-76 (Texas—11), High-cost gas produced form tight formations
CAM-4. Omitted
CAM-5. Michigan Public Service Commission

Consent Gas Agenda

CAG-1. Docket No. TA82-1-43-000, Cities Service Gas Co.
CAG-2. Docket No. RP82-11-000, Eastern Shore Natural Gas Co.
CAG-3. Docket No. RP80-102, Southern Natural Gas Co.
CAG-4. Omitted
CAG-5. Docket Nos. RP80-4, RP80-141 and RP81-108-000, Locust Ridge Gas Co.
CAG-6. Docket No. RP80-100-003, Michigan Wisconsin Pipe Line Co.
CAG-7. Docket No. RP81-3-000, Southwest Gas Corp.
CAG-8. Docket No. CI81-466-000, Getty Oil Co.; Docket No. CI81-478-000, Chevron USA, Inc.; Docket No. CI81-462-000, Union Oil Co. of California; Docket No. CI81-484-000, Conoco, Inc.; Docket No. CI81-481-000, Fin-Oil, Inc.; Docket No. G-3894-007, Arco Oil & Gas Co., a Division of Atlantic Richfield Co.; Docket No. CI81-448-000, Diamond Shamrock Corp.
CAG-9. Docket No. CI80-81, Harper Oil Co.
CAG-10. Docket No. CI77-471 (FERC GRS No. 233), Union Oil Co.; Docket No. CI77-663 (FERC GRS No. 21), Florida Exploration Co.; Docket No. CS71-468, Prenalta Corp.; Docket No. CI79-416 (FERC GRS No. 100), Diamond Shamrock Corp.; Docket No. G-12244 (FERC GRS No. 161), Texaco Inc. (operator), et. al.; Docket No. CI77-202 (FERC GRS No. 507), Gulf Oil Corp.; Docket No. CI62-1152 (FERC GRS No. 16), Terra Resources, Inc.; Docket No. CS71-55, Viersen & Cochran; Docket No. CS71-795, Harper Oil Co.; Docket No. CS79-55, Viersen & Cochran
CAG-11. Docket No. CP78-532, Ozark Gas Transmission System
CAG-12. Docket No. CP80-549, Colorado Interstate Gas Co.; Docket No. CP80-583, Western Gas Interstate Co.
CAG-13. Docket No. CP81-39-000, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Docket No. CP81-140-000, Northern Natural Gas Co., Division of Internorth, Inc.
CAG-14. Docket Nos. CP74-260-004 and CP75-269-003, Natural Gas Pipeline Co. of America
CAG-15. Docket No. CP75-244, Mid Louisiana Gas Co. and United Gas Pipe Line Co.; Docket No. CP80-514, Mid Louisiana Gas Co.; Docket No. CP81-481-000, Caraonic Intrastate Pipeline Co., Inc.
CAG-16. Omitted
CAG-17. Docket No. CP81-167-000, National Fuel Gas Supply Corp.
CAG-18. Docket No. CP79-224-002, El Paso Natural Gas Co.
CAG-19. Docket No. CP81-442-000, Cities Service Gas Co.
CAG-20. ICC Docket No. 35895 and ICC Docket No. 35895 (Sub. No. 1), Belle Fourche Pipeline Co., et al.

Power Agenda

I. Licensed Project Matters

P-1. Project No. 2409, Calaveras County Water District

II. Electric Rate Matters

ER-1. Omitted
ER-2. (a) Docket Nos. ER80-592, et al., Allegheny Power System, et al.; Docket No. ER80-592, Allegheny Power System Companies; (b) Docket Nos. ER80-603, ER80-606, ER80-646, ER80-661, ER80-747, ER80-748, ER80-749, ER80-754, and ER80-779, Central Illinois Public Service Co.; (c) Docket No. ER80-716, Oklahoma Gas & Electric Co.
ER-3. (a) Docket Nos. ER81-457-000 and EL81-13-000, Louisiana Power & Light Co.; (b) Docket Nos. ER81-457-000 and EL81-13-000, Louisiana Power & Light Co.
ER-4. Docket No. EC81-15-000, CP National Co. and Sierra Pacific Power Co.

Miscellaneous Agenda

M-1. Docket No. RM80-55, revision of Form No. 1 Annual Report for Electric Utilities, report for electric licensees and others (Class A and Class B)
M-2. Reserved
M-3. Reserved
M-4. Docket No. RM80-33, final rules for Part 270, Subpart B, Sections 270.201, 270.202 and 270.204
M-5. Docket No. RA81-14-000, Huntway Refining Co.

Regular Gas Agenda

III. Pipeline Certificate Matters

CP-1. Docket Nos. RP72-99 and TC79-6 (compensation), Transcontinental Gas Pipe Line Corp.
CP-2. Docket Nos. CP80-430 and CP81-144, Columbia Gas Transmission Corp.
CP-3. Docket No. CP80-496, Town of Winstonville, Mississippi, applicant v. Texas Gas Transmission Corp., respondent
CP-4. Docket No. CP80-520-003, Natural Gas Pipe Line Co. of America
CP-5. Docket No. CP80-346, Consolidated Gas Supply Corp. and Consolidated Gas Transmission Corp.
CP-6. Docket Nos. CP81-170, CP81-193 and CP81-203, Cities Service Gas Co.
CP-7. Docket Nos. TC81-15-000 and TC81-60-000, Panhandle Eastern Pipe Line Co.
CP-8. Docket No. CP81-236-001, Northern Natural Gas Co., Division or Internorth, Inc.

Kenneth F. Plumb,

Secretary.

[S-1827-81 Filed 12-3-81; 4:03 pm]

BILLING CODE 6717-01-M

5

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9 a.m., Thursday, December 10, 1981.

PLACE: 7th floor Board Room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed charter amendment. Closed pursuant to exemption (8).
2. Proposed merger. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Request from Federal Credit Union for waiver of reserve transfer requirements and for authorization to charge losses other than loan losses to regular reserve under Section 116 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

[S-1828-81 Filed 12-3-81; 4:19 pm]

BILLING CODE 7535-01-M

6

NATIONAL MUSEUM SERVICES BOARD

DATE AND TIME: December 11, 1981, 9 a.m. to 4 p.m.

PLACE: Board Room, Folger Shakespeare Library, 201 East Capitol Street, Washington, D.C. 20003.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Introduction: George Seybolt, Chairman 9:00 a.m. to 9:20 a.m.
2. Minutes 9:20 a.m. to 9:30 a.m.
3. Legislative Report 9:30 a.m. to 9:45 a.m.
4. Discussion of Legislative Effects 9:45 a.m. to 10:30 a.m.
5. Recess 10:30 a.m. to 10:45 a.m.
6. Continuation of Legislative Effects Report 10:45 a.m. to 12:00 p.m.
7. Lunch 12:00 p.m. to 12:45 p.m.
8. Report of Acting Director 12:45 p.m. to 2:45 p.m.
9. Recess 2:45 p.m. to 3:00 p.m.
10. Public Information Report 3:00 p.m. to 3:15 p.m.
11. Other Business 3:15 p.m. to 4:00 p.m.

CONTACT PERSON FOR MORE INFORMATION: Kate Merlino, Executive Assistant to the National Museum Services Board; telephone: 202/426–6577.

Dated: December 1, 1981.

Kate Merlino,

Executive Assistant to the National Museum Services Board.

[S-1825-81 Filed 12-3-81; 2:11 pm]

BILLING CODE 4000-01-M

7

NUCLEAR REGULATORY COMMISSION

DATE: Week of December 7, 1981 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, December 8:*

2 p.m.:
Discussion of Clinch River Breeder Reactor (public meeting)

Wednesday, December 9:

10 a.m.:
Discussion of Scheduling Matters Regarding TMI–1 Restart (closed meeting) (as announced)

2 p.m.:
Discussion of Policy and Planning Guidance (public meeting) (as announced)

Thursday, December 10:

10:00 a.m.:
Discussion of Management-Organization and Internal Personnel Matters (closed meeting) (as announced)

2:30 p.m.:
Affirmation/Discussion Session (public meeting) (as announced)
Items to be affirmed and/or discussed:
a. Proposed Amendment to 10 CFR 50.54(r)—Modification of Requirements for Submittal of Emergency Plans by Research and Test Reactor Licensees
b. Final Amendments to 10 CFR Parts 71 and 73 for Advance Notification to Governors of Transportation of Nuclear Waste Including Spent Fuel
c. Proposed Rulemaking, "Environmental Qualification of Electric Equipment for Nuclear Power Plants"
d. Final Rule on Intransit Physical Protection of Special Nuclear Material of Moderate Strategic Significance
e. Suggested Time Periods for Issuance of Initial Decisions
f. Review of Director's Decision on 2.206 Petition (Florida Power and Light Company)

ADDITIONAL INFORMATION: Discussion of Operational Data Evaluation, announced for Friday, December 11, has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

[S-1826-81 Filed 12-3-81; 3:41 pm]

BILLING CODE 7590-01-M

8

OVERSEAS PRIVATE INVESTMENT CORPORATION

Regular Meeting of the Board of Directors

Regular meeting of the OPIC Board of Directors, Tuesday, December 15, 1981 at 10:00 a.m. (Closed Portion); 11:00 a.m. (Open Portion).

PLACE: Office of the Corporation. Seventh (7th) Floor Board Room; 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 10:00 a.m. to 11:00 a.m. will be closed to the public. The open portion of the meeting will start at 11:00 a.m.

MATTERS TO BE CONSIDERED:

(Closed to the Public 10 a.m. to 11 a.m.)
1. OPIC Budget FY 1982
2. Construction Insurance Program
3. Insurance Project in African Country
4. Insurance Project in African Country
5. Insurance Project in Middle East Country
6. Claims Report
7. Information Reports; General
8. Information Reports; Project Status

(Open to the Public 11 a.m.)
1. Approval of the Minutes
2. Confirmation of Scheduled Board Meetings
3. Personnel Actions
4. OPIC Amendments Act of 1981; Implementation
5. New Marketing Developments
6. Financial Highlights for FY 1981
7. Information Reports.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653–2925.

December 3, 1981.

Elizabeth A. Burton,

Corporate Secretary.

[S-1823-81 Filed 12-3-81; 10:36 am]

BILLING CODE 3210-01-M

federal register

Monday
December 7, 1981

Part II

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Proposed Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research; Proposed Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice to Proposed Actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth proposed actions to be taken under the NIH Guidelines for Research Involving Recombinant DNA Molecules. Interested parties are invited to submit comments concerning these proposals. After consideration of these proposals and comments by the NIH Recombinant DNA Advisory Committee (RAC) at its next meeting, the Director of the National Institute of Allergy and Infectious Diseases will issue decisions on these proposals in accord with the Guidelines.

DATE: Comments must be received by February 1, 1982.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, Building 31, Room 4A52, National Institutes of Health, Bethesda, Maryland, 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from Drs. Stanley Barban or Elizabeth Milewski, Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland, 20205, (301) 496–6051.

SUPPLEMENTARY INFORMATION: The National Institutes of Health will consider the following changes and amendments under the Guidelines for Research Involving Recombinant DNA Molecules, as well as actions under these Guidelines.

1. Proposed Revision of Guidelines

Dr. Waclaw Szybalski, McArdle Laboratory for Cancer Research, University of Wisconsin, Madison, Wisconsin, has requested that the following sentence be added to the current NIH Guidelines:

"These are only Guidelines based on the current state of the research and on the concerns of certain individuals or groups about the hypothetical risks. Individual researchers should use their best scientific judgement and peers' advice when designing, modifying and conducting experiments, and be prepared to justify any substantial variations when requested, or in their applications and progress reports."

2. Request To Use Bacillus Megaterium in Recombinant DNA Experiments Under P1 Containment

Dr. Patricia Vary of Northern Illinois University, DeKalb, Illinois, requests permission to introduce recombinant DNA derived from *Staphylococcus aureus, E. coli,* and *Bacillus subtilis* into *Bacillus megaterium* under P1 conditions.

3. Proposed EK2 Host-Vector Systems

Dr. Roy Curtiss, University of Alabama, Birmingham, Alabama, requests EK2 certification of six different *E. coli* K–12 strains in conjunction with various virulent and temperate bacteriophage lambda, plasmid and cosmid vectors. Dr. Curtiss also requests that all previously approved vectors be approved as vector components of the proposed EK2 host-vector systems. Detailed information on the proposed host-vector systems has been provided by Dr. Curtiss.

4. Proposed use of EK2 Host-Vector Systems for Cloning DNA from Class 3 and 4 Etiologic Agents

Dr. Roy Curtiss, University of Alabama, Birmingham, Alabama, requests permission to use all certified EK2 host-vector systems to clone DNA fragments from Class 3 and Class 4 etiologic agents under P2 containment, and under P1 containment if the recombinant clones are shown not to express a virulence determinant that has toxic potential.

As an alternative to this general proposal, Dr. Curtiss requests permission to clone DNA from *Yersinia pestis* and *Mycobacterium leprae* into EK2 host-vector systems under P2 containment, and under P1 conditions in the absence of expression of virulence determinants by the recombinant clones.

5. Proposed Pseudomonas Putida Host-Vector System

Dr. Michael Bagdasarian of the Max-Planck Institute of Fur Molekulare Genetik, Berlin, West Germany, requests HV1 certification of a host-vector system based on *Pseudomonas putida* strain KT2440 and cloning vectors pKT262, pKT263, and pKT264.

6. Proposed Inclusion of Yersinia Enterocolitica on Sublist A, Appendix A

Dr. Guy Cornelis of the Universite Catholique de Louvain, Brussels, Belgium, requests that *Yersinia enterocolitica* be exempted from the Guidelines under Section I–E–4 and added to Sublist A, Appendix A, on the basis that this species exchanges genetic information with *E. coli.*

7. Proposal for Revision of the Guidelines

Dr. Susan Gottesman of the National Cancer Institute of the National Institutes of Health has requested that the following proposal to modify the NIH Guidelines for Research Involving Recombinant DNA Molecules be published in the **Federal Register** for comment:

I. Introduction

There seems to be a clear consensus that the guidelines require simplification, reorganization, and possible lowering of containment levels for some classes of experiments. The Recombinant DNA Advisory Committee (RAC) will be considering at its next meeting a proposal, published for comment in the **Federal Register**, to convert the NIH Recombinant DNA Guidelines into a voluntary code of practice. This proposal would change the detailed listing of containment levels to a few paragraphs of advice to the investigator. I am recommending an alternative approach to revision which retains some aspects of the current guidelines which I consider necessary for the continued orderly development of the recombinant DNA field.

(1) My proposal, as opposed to the RAC proposal, retains the requirement for IBC oversight of some experiments, and retains the current NIH compliance requirements. In addition, the record-keeping function of the IBC is retained. Since many experiments became exempt from the requirements of the Guidelines as of July 1, 1981, the remaining requirements should not be too cumbersome to either the experimenter or the IBC.

(2) My proposal simplifies the structure of the Guidelines and decreases containment for some classes of experiments. In particular, experiments involving non-pathogenic prokaryotes and lower eukaryotes could be carried out at P1 containment. Overall, containment levels would not, however, be lowered to the extent recommended in the RAC proposal.

II. Summary of Proposed Changes as Compared to Current Guidelines

A. *Prohibitions.* The word "prohibition" will no longer be applied to this class of experiments which

currently require explicit RAC review and NIH approval.

1. Three of the five prohibitions (I–D–2, I–D–4, and I–D–5 in the current Guidelines) would be listed in a new section designated III–A and entitled "Experiments that require FAC review and NIH approval before initiation." These three prohibitions cover experiments involving the deliberate formation of recombinant DNAs containing genes for the biosynthesis of certain toxins lethal for vertebrates (I–D–2), the deliberate release into the environment of organisms containing recombinant DNA (I–D–4), and the deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally if such acquisition could compromise the use of a drug to control disease agents in human or veterinary medicine or agriculture (I–D–5).

2. Prohibition I–D–1 in the current guidelines (formation of recombinant DNAs derived from CDC Class 4 or 5 organisms) would be deleted. Such experiments could be carried out under specific conditions set by the IBC, as described in a new section designated III–B and entitled "Experiments that require IBC approval before initiation".

3. Prohibition I–D–6 in the current Guidelines, which covers certain large-scale experiments, would be eliminated; such experiments could proceed after IBC approval (new section III–B–5). Currently the Guidelines permit certain large scale experiments involving *E. coli* K-12, *S. cerevisiae* and *B. subtilis* host-vector systems to proceed following review by the local IBC (46 FR 53983).

B. *Exemptions.* No changes in the substance of this section are proposed. The categories of exemptions now listed in Section I–E would be listed in a new Section III–D.

C. *Section II (Containment).* All references to HV3 systems would be deleted. Such systems are not presently in use and are not required by current or proposed guidelines. Otherwise, the section would remain as is.

D. *Section III (Containment Guidelines for Covered Experiments).* The complete text of Section III would be replaced by new text which would reorganize, simplify, and eliminate redundancy in the current Guidelines. In addition, significant lowering of containment for some classes of experiments is recommended. In the new Section III, all experiments would fall into one of four classes:

III–A. Current prohibitions; such experiments would require specific RAC review and NIH approval.

III–B. Experiments requiring prior review by the IBC. These would include the use of recombinant DNA molecules derived from or propagated in pathogens, non-defective animal virus systems, and the insertion of recombinant DNA into whole animals and plants. Many experiments which would be included in this section currently require NIH approval.

III–C. Experiments requiring notice to the IBC simultaneously with initiation of the experiment.

The proposal would change the procedure for reviewing recombinant DNA experiments involving non-pathogenic prokaryotes, lower eukaryotes, or defective animal virus systems. These experiments currently require prior review by the IBC. Under this proposal, investigators would not have to wait for IBC approval before initiating these experiments. In addition, containment requirements for experiments involving non-pathogenic prokaryotes and non-pathogenic lower eukaryotes would be relaxed.

III–D. Currently exempt experiments. No changes in the substance of this section are proposed.

E. Section IV. Changes as necessary to reflect changes in other sections of the Guidelines would be incorporated.

F. Much material currently in Appendix E would be covered or superseded by the proposed changes in the Guidelines in Section III. Appendix D would be deleted.

III. Changes in Current Guidelines to Implement Proposal

A. *Current Section I.* Section I–A, *Purpose,* would remain unchanged.

Section I–B, *Definition of Recombinant DNA Molecules,* would be modified to include a statement on synthetic DNAs, and would read as follows:

"I–B. *Definition of Recombinant DNA Molecules.* In the context of these Guidelines, recombinant DNA molecules are defined as either (i) molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell, or (ii) DNA molecules that result from the replication of those described in (i) above.

"Synthetic DNA segments likely to yield a potentially harmful polynucleotide or polypeptide (e.g., a toxin or a pharmacologically active agent) shall be considered as equivalent to their natural DNA counterpart. If the synthetic DNA segment is not expressed *in vivo* as a polynucleotide or polypeptide product, it is exempt from the Guidelines."

Section I–C, *General Applicability,* would remain unchanged.

Section I–D, *Prohibitions,* would be deleted. (Some of this material is included in proposed new Section III–A).

Section I–E, *Exemptions,* would be deleted. (This material would be included in proposed new Section III–D).

B. *Current Section II.* Delete current Section II–D–1–c and subsections II–D–1–c–(1) through II–D–1–c–(5), Section II–D–2–b–(3) and references to HV3 in Section II–D–3.

C. *Current Section III.* Delete and replace current Section III and all subsections of III with the following text:

"Part III discusses experiments involving recombinant DNA. These experiments have been divided into four classes:

"III–A. Experiments which require specific RAC review and NIH approval before initiation of the experiment;

"III–B. Experiments which require IBC approval before initiation of the experiment;

"III–C. Experiments which require IBC notification at the time of initiation of the experiment;

"III–D. Experiments which are exempt from the procedures of the Guidelines.

"If an experiment falls into both class III–A and one of the other classes, the rules pertaining to class III–A must be followed. If an experiment falls into class III–D and into either class III–B or III–C as well, it can be considered exempt from the requirements of the Guidelines.

"Changes in containment levels from those specified here may not be instituted without the express approval of the Director, NIH (See Sections IV–E–1–b–(1), IV–E–1–b–(2), and subsections).

"III–A. *Experiments that Require RAC Review and NIH Approval Before Initiation.* Experiments in this category cannot be initiated without submission of relevant information on the proposed experiment to NIH, the publication of the proposal in the **Federal Register** for thirty days of comment, review by the RAC, and specific approval by NIH. The containment conditions for such experiments will be recommended by RAC and set by NIH at the time of approval. Such experiments also require the approval of the IBC before initiation. Specific experiments already approved in this section and the appropriate containment conditions are listed in Appendices E and G.

"III–A–1. Deliberate formation of recombinant DNAs containing genes for the biosynthesis of toxins lethal for vertebrates at an LD_{50} of less than 100 nanograms per kilogram body weight (e.g., the botulinum toxins, tetanus toxin, diphtheria toxin, *Shigella dysenteriae*

neurotoxin). Specific approval has been given for the cloning in *E. coli* K-12 of DNAs containing genes coding for the biosynthesis of toxins which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight. Containment levels for these experiments are specified in Appendix G.

"III-A-2. Deliberate release into the environment of any organism containing recombinant DNA.

"III-A-3. Deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire it naturally, if such acquistion could compromise the use of the drug to control disease agents in human or veterinary medicine or agriculture.

"III-B. *Experiments that Require IBC Approval Before Initiation.* Investigators performing experiments in this category must submit to their Institutional Biosafety Committee (IBC), prior to initiation of the experiments, a registration document that contains a description of: (a) The source(s) of DNA, (b) the nature of the inserted DNA sequences, (c) the hosts and vectors to be used, (d) whether a deliberate attempt will be made to obtain expression of a foreign gene, and, if so, what protein will be produced, and (e) the containment conditions specified in these Guidelines. This registration document must be dated and signed by the investigator and filed only with the local IBC. The IBC shall review all such proposals prior to initiation of the experiments. Requests for lowering of containment for experiments in this category will be considered by NIH (See Section IV-E-1-b-(3)).

"III-B-1. *Experiments Using CDC Class 2, Class 3, Class 4, or Class 5 Agents* as Host-Vector Systems.*

"III-B-1-a. Experiments involving the introduction of recombinant DNA into CDC Class 2 agents can be carried out at P2 containment.

"III-B-1-b. Experiments involving the introduction of recombinant DNA into CDC Class 3 agents can be carried out at P3 containment.

"III-B-1-c. Experiments involving the introduction of recombinant DNA into CDC Class 4** or Class 5 agents can be carried out at P4 containment. A USDA permit is required for work with Class 5 agents***.

"III-B-2. *Experiments in Which DNA from CDC Class 2 or Class 3 Agents* is Cloned in Nonpathogenic Prokaryotic or Lower Eukaryotic Host-Vector Systems.*

"III-B-2-a. Recombinant DNA experiments in which DNA from CDC Class 2 or Class 3 agents* is transferred into nonpathogenic prokaryotes or lower eukaryotes may be performed under P2 containment. Specific lowering of containment to P1 for particular experiments can be approved by the IBC. Many experiments in this category will be exempt from the Guidelines (See Sections III-D-4 and III-D-5). Experiments involving the formation of recombinant DNAs for certain toxin genes requires RAC review and NIH approval (see Section III-A-1), or must be carried out under NIH specified conditions as described in Appendix G.

"III-B-2-b. Recombinant DNA experiments in which DNA from CDC Class 4** or Class 5 agents is transferred into nonpathogenic prokaryotes or lower eukaryotes can be performed at P2 containment after demonstration that only a totally and irreversibly defective fraction of the agent's viral genome is present in a given recombinant. In the absence of such a demonstration, P4 containment should be used.

Note.—A USDA permit is required for work with Class 5 pathogens***.

"III-B-3. *Experiments Involving the Use of Whole Animal or Plant Viruses or Defective Animal or Plant Viruses in the Presence of Helper Virus in Tissue Culture Systems.*

"III-B-3-a. Experiments involving the use of whole CDC Class 2 animal viruses*, or defective CDC Class 2 animal viruses* in the presence of helper virus, can be performed at P2 containment.

"III-B-3-b. Experiments involving the use of whole CDC Class 3 animal viruses*, or defective CDC Class 3 animal viruses* in the presence of helper virus, can be carried out at P3 containment.

"III-B-3-c. Experiments involving the use of whole CDC Class 4 or Class 5 animal viruses*, or defective CDC Class 4 or Class 5 animal viruses* in the presence of helper virus, may be carried out under P4 containment. A USDA permit is required for work with CDC Class 5 pathogens***.

"III-B-3-d. Experiments involving the use of whole animal or plant viruses, or defective animal or plant viruses in the presence of helper virus, not covered by Sections III-B-3-a, III-B-3-b, or III-B-3-c may be carried out under P1 containment.

"III-B-4. *Recombinant DNA Experiments Involving Whole Animals and Plants.*

"III-B-4-a. DNA from any source except for greater than one quarter of a eukaryotic viral genome may be transferred to any non-human vertebrate organism and propagated under conditions of physical containment comparable to P1 and appropriate to the organism under study (2A).

"III-B-4-b. For all experiments involving whole animals and plants and not covered by III-B-4-a, the appropriate containment will be determined by the IBC.

"III-B-5. *Experiments Involving More than 10 Liters of Culture.*

The appropriate containment will be decided by the IBC. Where appropriate, the large scale containment recommendations of the NIH should be used (45 FR 24968).

"III-C. *Experiments that Require IBC Notice Simultaneously with Initiation of Experiments.*

"For experiments in this category, a registration document as described in Section III-B must be dated and signed by the investigator and filed with the local IBC. The IBC shall review all such proposals, but IBC review prior to initiation of the experiment is not required. All experiments not included in categories III-A, III-B, III-D, and subsections of these categories are to be considered as in category III-C. All such experiments can be carried out at P1 containment. Some explicit cases are listed below.

"III-C-1. *Experiments Involving Non-Pathogenic Prokaryotes or Non-Pathogenic Lower Eukaryotic Host-Vector Systems.*

"Experiments involving non-pathogenic prokaryotes or non-pathogenic lower eukaryotes can be carried out at P1 containment.

"III-C-2. *Experiments Involving Formation of Recombinant DNA Molecules Containing no More Than Two-Thirds of the Genome of any Eukaryotic Virus.*

"Recombinant DNA molecules containing no more than two-thirds of the genome of any eukaryotic virus (all viruses from a single Family (36) being considered identical (50)) may be propagated and maintained in cells in tissue culture using P1 containment. For such experiments, it must be shown that the cells lack helper virus for the specific Families of defective viruses being used. The DNA may contain fragments of the genome of viruses from more than one Family but each fragment must be less than two-thirds of a genome.

"III-D. *Exempt Experiments.*

"The following recombinant DNA molecules are exempt from these Guidelines and no registration with the IBC is necessary.

"III-D-1. Those that are not in organisms or viruses.

"III-D-2. Those that consist entirely of DNA segments from a single non-

chromosomal or viral DNA source, though one or more of the segments may be synthetic equivalent.

"III–D–3. Those that consist entirely of DNA from a prokaryotic host, including its indigenous plasmids or viruses, when propagated only in that host (or a closely related strain of the same species) or when transferred to another host by well established physiological means; also, those that consist entirely of DNA from a eukaryotic host, including its chloroplasts, mitochondria, or plasmids (but excluding viruses), when propagated only in that host (or a closely related strain of the same species).

"III–D–4. Certain specified recombinant DNA molecules that consist entirely of DNA segments from different species that exchange DNA by known physiological processes, though one or more of the segments may be a synthetic equivalent. A list of such exchangers will be prepared and periodically revised by the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix A. An updated list may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205.

"III–D–5. Other classes of recombinant DNA molecules, if the Director, NIH, with advice of the RAC, after appropriate notice and opportunity for public comment, finds that they do not present a significant risk to health or the environment. (See Section IV–E–1–b–(1)–(d).) Certain classes are exempt as of publication of these Revised Guidelines. The list is in Appendix C. An updated list may be obtained from the Office of Recombinant DNA Activities; National Institutes of Health, Bethesda, Maryland 20205."

D. *Current Section IV. Roles and Responsibilities.* Changes as necessary to reflect changes in Parts I–III only.

E. *Current Section V. Footnotes and References.* Changes as necessary to reflect changes in Parts I–III.

F. *Current Appendices.* Delete sections subsumed by proposed guideline changes; i.e. delete Appendix D and entries 1, 2, 3, 5, 7, 10, 11, 12, 14, 15, 17, 18, 20, 22, 24, 25, 26, 27, 28, 29, 33, and 34 of Appendix E.

Footnotes

* *Classification of Etiologic Agents on the basis of Hazard.* (4th Edition, July 1974). U.S. Department of Health, Education and Welfare, Public Health Service, Centers for Disease Control, Office of Biosafety, Atlanta, Georgia 30333.

** All activities, including storage of variola and whitepox are retricted to the single national facility (World Health Organization (WHO) Collaborating Center for Smallpox Research, Center for Disease Control, in Atlanta).

*** A USDA permit, required for import and interstate commerce of pathogens, may be obtained from the Animal and Plant Health Inspection Service USDA, Federal Building, Hyattsville, MD 20782.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance.* Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require serveral additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8–(b)–(4) and (5) of that Circular.

Dated: November 25, 1981.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health.

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federal register

Monday
December 7, 1981

Part III

Department of Transportation

Office of the Secretary

Privacy Act of 1974; Annual Publication of Systems of Records

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974; Annual Publication Of Systems Of Records

This preamble is to introduce the annual publication in the **Federal Register** of the systems of records of the Department of Transportation as of October 30, 1981. The Privacy Act (Public Law 93–579) requires such publication annually. The systems of records and General Routine Uses published herewith are now effective. None have been added which were not previously published in the **Federal Register** and at least 30 days allowed for comment. Where comments were received they have been considered and adopted, or the reasons for not adopting have been published.

Since February 1980, the last annual publication, 25 systems of records were cancelled and are deleted from this publication. Some of these are discontinued programs but many are the result of an Office of Personnel Management publication of nine systems covering certain types of personnel related systems governmentwide, and three by the Department of Transportation which cover all of the same types of files in the entire Department. This eliminated a large number of redundant systems of records published for elements of the Department.

Deletions since the last publication in February 1980 were: DOT/CG 501; DOT/FAA 809, 817, 818, 819, 823, 829, 835, 840, 841 & 842; DOT/FHWA 208, 221; DOT/FRA 103, 109; DOT/NHTSA 421, 438, 442, 443; DOT/SLS 156, 157; DOT/UMTA 179; DOT/OST 001; DOT/OST 039 & 005 were republished as DOT/All 2 and 3.

Added since the last publication in February 1980 are the following totally new systems of records: DOT/FAA 845, 846 and 847; DOT/FRA 130 and 131; DOT/NHTSA 470; and DOT/OST 062, and DOT/ALL 1. The DOT/ALL series 1, 2, and 3 now covers all files in the entire Department related to Grievances, Safety Management, and United States Government Vehicle Operators License Applications, respectively.

Several systems were renumbered to accommodate the reorganization which brought the Research and Special Programs Administration (RSPA) to the Department:

DOT/OST 015 became DOT/RSPA 01
DOT/OST 022 became DOT/RSPA 02
DOT/OST 040 became DOT/RSPA 03
DOT/OST 048 became DOT/RSPA 04
DOT/OST 049 became DOT/RSPA 05
DOT/OST 050 became DOT/RSPA 06
DOT/OST 054 became DOT/RSPA 07

All of the above are combined and included in this annual publication in the **Federal Register** for 1981 which supersedes the previous publication on February 21, 1980, FR Vol. 45, pages 11686 through 11788. Questions may be addressed to the Privacy Act Officer, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, or by telephone to John J. Windsor, 202–426–1887.

Issued in Washington, D.C. on November 25, 1981.

Robert L. Fairman,

Assistant Secretary for Administration.

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DOT/TSC 714 Health Unit Employee Medical Records
DOT/TSC 715 Bi-Weekly Personnel Status Report
DOT/TSC 716 UMTA Technology Sharing Mailing List
DOT/UMTA 175 Personnel Convenience Files
DOT/UMTA 176 Blood-Donor File
DOT/UMTA 177 UMTA-Sponsored Reports Author File
DOT/UMTA 178 Minority Recruitment File
DOT/UMTA 180 Occupational Safety and Health Accident Reporting System
DOT/UMTA 181 Attendees Names and Addresses for R & D Priorities
DOT/UMTA 182 New Systems Survey Response Forms
DOT/UMTA 190 Employee Travel Records
DOT/UMTA 191 Travel Advance File
DOT/UMTA 192 Urban Transportation Planning System (UTPS) Address File
DOT/UMTA 193 Docket
DOT/UMTA 194 Litigation and Claims Files
DOT/UMTA 195 Confidential Statement of Employment and Financial Interests

DEPARTMENT OF TRANSPORTATION

The following listing is the 1981 publication of Systems of Records required by the Privacy Act of 1974. This replaces the Privacy Act Issuances, Annual Publication of the Department of Transportation, published by the Federal Register on February 21, 1980, Part II, beginning page 11686, Vol. 45.

NOTICE OF SYSTEMS OF RECORDS

The identification of the operating unit or units within the Department to which the particular system of records pertains appears as 'DOT/' followed by a designating abbreviation. The abbreviations and their meanings are as follows:

OST - Office of the Secretary of Transportation
CG - United States Coast Guard
FAA - Federal Aviation Administration
FHWA - Federal Highway Administration
FRA - Federal Railroad Administration
NHTSA - National Highway Traffic Safety Administration
RSPA - Research and Special Programs Administration
SLS - Saint Lawrence Seaway Development Corporation
TSC - Transportation Systems Center
UMTA - Urban Mass Transportation Administration

PREFATORY STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to, except where otherwise noted or where obviously not appropriate, each system of records set forth below.

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program 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.

2. A record from this system of records may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a federal 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 on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. 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.

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 that individual. In such cases, however, the Congressional office does not have greater right to records than the individual. Thus, the disclosure may be withheld from delivery to the individual where the file contains investigative or factual information or to other materials which are being used, or are expected to be used, to support prosecution or fines against the individual for violations of a statute, or of regulations of the Department based on statutory authority. No such limitations apply to records requested for Congressional oversight or legislative purposes; release is authorized under 49 C.F.R. 10.35(9).

7. One or more records from a system of records may be disclosed routinely to NARS (GSA) in records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

8. Access to Systems of Records of the Department is authorized to member(s) of the Office of Inspector General where the records are considered '...pertinent to the DOT programs or operations being reviewed. Existing orders or (internal) directives contrary to this provision are hereby superseded.' The Secretary of Transporatation by the foregoing has clarified the role of Inspector General personnel 'who have need for the record(s) in the performance of their duties.'

9. The Department may make available to another agency or instrumentality of any governmental jurisdiction, including State and local governments, listings of names from any System of Records in the Department for use in law enforcement activities, either civil or criminal, or to expose fraudulent claims, regardless of the stated purpose for the collection of the information in the System of Records. These enforcement activities are generally referred to as 'matching' programs because two lists of names are checked for match using automated assistance.

This routine use is advisory in nature and does not offer unrestricted access to Systems of Records for such law enforcement and related antifraud activities. Each request will be considered on the basis of its purpose, merits, cost effectiveness and alternatives using 'Guidelines for the Conduct of Matching Programs' published by the Director, Office of Management and Budget, dated March 30, 1979.

APPENDIX I

LOCATION OF CG DISTRICTS AND HEADQUARTERS UNITS.

1. COMMANDER
1st Coast Guard District
150 Causeway Street
Boston, MA 02114

2. COMMANDER
2nd Coast Guard District
1430 Olive Street
St. Louis, MO 63103

3. COMMANDER
3rd Coast Guard District
Governors Island
New York, NY 10004

4. COMMANDER
5th Coast Gu-rd District
Federal Building
431 Crawford Street
Portsmouth, VA 23705

5. COMMANDER
7th Coast Guard District
51 S.W. 1st Ave.
Miami, FL 33130

6. COMMANDER
8th Coast Guard District
Hale Boggs Federal Building
500 Camp Street
New Orleans, LA 70130

7. COMMANDER
9th Coast Guard District
1240 East 9th St.
Cleveland, OH 44199

8. COMMANDER
11th Coast Guard District
Union Bank Building
400 Oceangate Building
Long Beach, CA 90822

9. COMMANDER
12th Coast Guard District
630 Sansome St.
San Francisco, CA 94126

10. COMMANDER
13th Coast Guard District
Federal Bldg
915 Second Ave.
Seattle, WA 98174

11. COMMANDER
14th Coast Guard District
Prince Kalanianaole
Federal Building
300 Ala Moana Building
Honolulu, HI 96580

12. COMMANDER
17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99802

13. COMMANDER
U.S. COAST GUARD ACAdemy
New London, CT 06320

14. COMMANDING OFFICER
U.S. COAST GUARD YARD
Curtis Bay,
Baltimore, MD 21225

15. COMMANDING OFFICER
US COAST GUARD
TRAINING CENTER
Governors Island
New York, NY 10004

16. COMMANDING OFFICER
U.S. Coast Guard Training Center
Cape May, NJ 08204

17. COMMANDING OFFICER
U.S. Coast Guard Training Center
Government Island
Alemeda, CA 94501

18. COMMANDING OFFICER
U.S. Coast Guard
Supply Center
830 3rd Ave
Brooklyn, NY 11232

19. COMMANDING OFFICER
U.S. COAST GUARD INSTITUTE
P.O. Substation 18
Oklahoma City, OK 73169

20. COMMANDING OFFICER
U.S COAST GUARD
AIRCRAFT REPAIR & SUPPLY CENTER
Elizebeth City, NC 27909

21. COMMANDING OFFICER
U.S. Coast Guard Aviation
Training Center
Mobile, AL 36608

22. COMMANDING OFFICER
U.S. COAST GUARD RADIO
STATION NHM)
7223 Telegraph Rd.
Alexandria, VA 22310

23. COMMANDING OFFICER
U.S. COAST GUARD RESERVE
TRAINING CENTER
Yorktown, VA 23490

24. OFFICER IN CHARGE
RECORD DEPOT
U.S. Coast Guard Air Station
Elizebeth City, NC 27909

25. COMMANDER, COAST GUARD
ACTIVITIES, EUROPE
London
Box 50
FPO New York, NY 09510

26. COMMANDING OFFICER
U.S. COAST GUARD
TRAINING CENTER
Petaluma, CA 94952

27. COMMANDER
U.S. COAST GUARD AIR BASE
Elizebeth City, NC 27909

28. COMMANDING OFFICER

U.S. COAST GUARD
ELECTRONICS ENGINEERING
CENTER
Wildwood, NJ 08260
29. COMMANDING OFFICER
RESEARCH & DEVELOPMENT
CENTER
Avery Point
Groton, CT 06340
30. COMMANDING OFFICER
U.S. COAST GUARD
OCEANOGRAPHIC UNIT
Building 159E, Navy Yard Annex
Washington, D.C., 20590
31. COMMANDER
U.S. COAST GUARD
MILITARY PAY CENTER
6501 Lafayette Ave.
Riverdale, MD 20840

DOT/ALL-1

SYSTEM NAME:

DOT Grievance Records Files.

SYSTEM LOCATION:

Records are maintained in the personnel office which services the aggrieved employee if the grievance was processed under DOT 3770.2, Agency Administrative Grievance System, pursuant to 5 CFR Part 771. If processed under a negotiated grievance procedure from an approved labor agreement on behalf of a member, of a group of members, of a recognized collective bargaining unit, or if processed by the union, the grievance record shall be maintained in the office of the official administering the labor agreement pertaining to the collective bargaining unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former DOT employees who have submitted grievances with their respective administrations under DOT Order 3770.2, of grievances pertaining to members of DOT Collective Bargaining Units which were submitted in accordance with negotiated grievance procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by or on behalf of DOT employees within the Department of Transportation. Grievance case files contain relevant documents used in the processing of grievances under systems applicable to DOT employees, including statements of employees, witnesses, reports of interviews and hearings, factfinders and/or arbitrator's findings and recommendations, copies of decisions and correspondence and exhibits. Grievances in DOT may be submitted and processed through individually negotiated grievance systems contained in various labor agreements applicable to different collective bargaining units throughout the agency, or as prescription in DOT 3770.2, which is the Agency Administrative Grievance System applicable to DOT headquarters employees and all employees of DOT operating administrations, except where operating administrations have promulgated their own grievance systems.

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 disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or crimminal law or regulation.

To disclose information to any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the purpose(s) of the request and identify the type of information requested.

To disclose information 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 conducting of a security clearance, the conduction of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefits by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter.

To provide information to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

By the national Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 USC 2904 and 2906.

By the agency maintaining the records or the Office of Personnel Administration (OPM), in the production of summary descriptive statistics and analyical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by officials.

To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authourity and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties.

To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

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 retrieved by the names of the individuals on whom they are maintained, or by names and local identification of unions.

SAFEGUARDS:

These records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

These records may be disposed of 3 years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, M-10
U.S. Department of Transportation
400 7th Street, S.W., Room 9401
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided, on request, a copy of the record under the grievance process. They may, however, contact the agency personnel or designed office where the action was processed regarding the existence of such records on them. They must furnish the following information for their records to be located and identified.

Name.

Date of Birth.
Approximate date of closing of the case and kind of action taken.
Organizational component involved.
Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.

RECORD ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided, on request, a copy of the record under the grievance process. However, after the action has been closed an individual may request access to the official copy of the grievance file by contacting the agency personnel or designated office where the action was processed.
Individuals must provide the following information for their records to be located and identified.
Name.
Date of Birth.
Approximate date of closing of the case and kind of action taken.
Organization component involved.
Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.
Individuals requesting access must also follow the DOT Rules regarding identification, (Title 49, Part 10, Section 10.37) to ensure he or she is who they claim to be.

CONTESTING RECORD PROCEDURES:

Reviews of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of ammendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.
Individuals wishing to request amendment to their records to correct factual errors should contact the agency personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified.
Name.
Date of Birth.
Approximate date of closing of the case and kind of action taken.
Organizational component involved.
Statement as to whether the grievance was processed under administrative or negotiated grievance procedures.
Individuals requesting amendment must also follow the Department of Transportation Privacy Act Regulations regarding amendments, Title 49, Part 10, Sections 10.41, 10.43, 10.45, and 10.51.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided
By the individual on whom the records is maintained.
By testimony of witnesses.
By agency officials.
From related correspondence from organization or persons.

DOT/ALL-2.

SYSTEM NAME:

Safety Management Information System (SMIS).DOT/ALL.

SYSTEM LOCATION:

Department of Transportation (DOT), Office of the Secretary (OST), Transportation Computer Center, Department of Transportation (DOT), 400 7th Street, SW, Room 2401, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Federal Civilian/Military Employees of the Department of Transportation:
Contractors working on DOT premises; and
DOT Real & Personal Property.

CATEGORIES OF RECORDS IN THE SYSTEM:

All DOT Accident Reporting Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Issue automated records to the U.S. Dept. of Labor, OSHA.
Submit quarterly accident statistics data to DOT operating administrations.
Develops statistical summaries & special analysis listings for use in programming safety management functions, departmental level budget function as it relates to OWCP, and maintains 5 year OSHA requirement for accident record retention.
See Prefatory Satement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tapes and Disks.

RETRIEVABILITY:

Name/Social Security Number/ Accident Report Number/Special Project Data Programming.

SAFEGUARDS:

Transportation Computer Center maintains both physical security and personnel security. Retrieve/access procedures. The records are disposed of by blanking/erasing the magnetic tape or disk.

RETENTION AND DISPOSAL:

Kept 5 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and Training, M-10,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Quarterly management analysis delivered to safety managers or all operative administrators. Special data may be provided by request in written form to:
Director
Office of Personnel & Trainng, M-10
at the above address.

RECORD ACCESS PROCEDURES:

An individual may gain access to his record by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records will be to the Office of Personnel and Training. If resolution is not satisfactory to the individual, an appeal may be filed with Secretary of Trasnportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW, Room 10428,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

DOT Form 3902.1,
DOT Form 3902.2,
DOT Form 3902.3,
DOT Form 3902.4,
DOT Form 3902.5,
DOT Form 3902.6,
DOT Form 3902.7,
DOT Form 3902.8.

DOT/All 3

SYSTEM NAME:

Application for U. S. Government Motor Vehicle Operator's Identification Card (Government Drivers License). DOT/ALL.

SYSTEM LOCATION:

Department of Transportation (DOT), Office of the Secretary (OST),
Transportation Branch (M-444),
400 7th Street, SW, Room 2318,
Washington, DC 20590. Corresponding application offices in all other DOT subordinate Administrations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding all DOT

employees who are licensed to operate government vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for operator's Identification Card.
Physical fitness inquiry.
Accident Reports.
NHTSA Vehicle Driver Register Report.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determine qualifications and fitness for issuance, retention, revocation or renewal of operators license.
Limited access to issuing official and those persons whose official duties require such access.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in a locking filing cabinet in folders, at each location within OST and Administrations.

RETRIEVABILITY:

These records are filed in alphabetical order with a cross reference by permit number in a log.

SAFEGUARDS:

Limited access to issuing official and those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Retained for 5 years after separation, retirement or transfer of individual or expiration of license and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation Branch, Department of Transportation, Office of the Secretary.
Chief, Transportation Branch 400 7th Street, SW, Room 2318, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to: Department of Transportation, Office of the Secretary, Transportation Branch, M-444, 400 7th Street, SW, Room 2318, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact, or address their inquiries to, the system manager or to the appropriate office with their own organization.

CONTESTING RECORD PROCEDURES:

To contest a record, contact the System Manager.

RECORD SOURCE CATEGORIES:

Applications received from individuals for operator's license.
Accident reports received from individuals.

DOT/CG 501.

SYSTEM NAME:

Auxiliary Management Information System (AUXMIS). DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Office of Boating, Public & Consumer Affairs (G-B)
2100 2nd Street, SW, Room 4304, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All present Coast Guard Auxiliarists.
All Auxiliarists disenrolled since 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information (name, address, birthdate, Social Security Number (SSN), phone number).
Auxiliary qualifications information (Instructor, Examiner, Specialty).
Auxiliary Activities information (patrols conducted, classes taught).
Information on boats, radio stations or aircraft owned by Auxiliarists.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Cumulative unit and individual activity summaries for use as a management tool by all Auxiliary units.
Identification cards for all Auxiliary members.
Alphabetical nationwide cross-reference listing for use by headquarters and district office staffs.
Mailing labels for district mailings to Auxiliarists.
An annual member summary of all information on each member which is mailed directly to the member concerned.
Used by:
District Directors of Auxiliary.
Chief Director of Auxiliary.
All elected and appointed officers of the Auxiliary.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

AUXMIS master records contain personal and activity information concerning USCG Auxiliarists and Director of Auxiliary (DIRAUX). Each person's record consists of 500 characters. The approximately 50,000 records which are stored in the system presently are stored on both magnetic tape and magnetic disk.

RETRIEVABILITY:

The current AUXMIS master file residing on magnetic disk is retrieved by number and name of the individual and can be accessed by those Directors of Auxiliary with access to the CDC-3300 system at any time. Those DIRAUX without access to the CDC-3300 can request inquiries to be done at the central site by the Office of Boating Safety.

SAFEGUARDS:

The master files cannot be accessed without the proper control cards. All DIRAUX and Chief, Director of Auxiliary have the means available to access the master files.

RETENTION AND DISPOSAL:

Retention of weekly tape files is 180 days at which time they are erased
Retention of disk files is 1 week, and then updated.
Retention of the year-end tape file is permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Director of Auxiliary, G-BAU, Department of Transportation, United States Coast Guard, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation
United States Coast Guard Headquarters,
Management Analysis Division, G-CMA,
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Individuals in the Auxiliary have their record available on a quarterly basis in the Flotilla Roster produced for their flotilla. All information except the Social Security Number and date of birth is on the Flotilla Roster. On an annual basis, the member receives a personal report concerning himself only which contains all elements of his record. At any time during the year, members of the Auxiliary can request through the DIRAUX where attached for access to their member's jacket retained by DIRAUX or can request a report in the annual report format.

CONTESTING RECORD PROCEDURES:

Record content can be contested at any time, and if error is found all DIRAUX have the means to correct individual records. Members are provided the means to correct their own addresses, SSN's, names and phone numbers and occupations.

RECORD SOURCE CATEGORIES:

All records pertaining to Auxiliarists are derived from forms which are filled out by the individuals involved on a voluntary basis.

DOT/CG 503.

SYSTEM NAME:

Motorboat Registration. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-B)
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Boat owners registering for the issuance of boat identification numbers for boats recorded in the States of Washington, Alaska, and New Hanpshire and in American Samoa.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tapes: (Computer listings on disk with information on boat owner: name, address, and boat information).
Printouts- Same.
Office files- Same.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by:
Authorized Coast Guard Personnel involved in the Coast Guard boating safety program.
To renew old registrations to issue new number to all motorboats.
The purpose of the numbering system is for identification of recreational boats in case of accident, loss, theft, or abandonment.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are maintained in file cabinets.

RETRIEVABILITY:

By name/number.

SAFEGUARDS:

Only authorized office personnel have access to subject files. All personnel screened prior to allowing access. Building secured and guarded after duty hours.

RETENTION AND DISPOSAL:

Records are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Boating, Public and Consumer Affairs
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual whose record(s) are being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by visiting Coast Guard Headquarters or writing to:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Individual applicant.

DOT/CG 505.

SYSTEM NAME:

Recreational Boating Law Enforcement Case Files. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Coast Guard District Offices and Headquarters unit offices for records of incidents in their localities. Addresses in Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners/operators of vessels found in violation of Federal recreational boating laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing names of violators, their addresses and social security numbers, together with descriptions of boats and notations of the alleged violations of Federal boating laws, and copies of correspondence relating to the disposition of any penalty involved.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information contained in this system is used by authorized Coast Guard employees in performance of their duties to determine the appropriate enforcement action to be taken by the Coast Guard in individual cases as well as providing a record of repeated offenders.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on index cards, in logbooks, and in file folders.

RETRIEVABILITY:

Information is retrieved by name of individual in alphabetical file.

SAFEGUARDS:

Information available only to authorized personnel. Files maintained in office in building which is secured during non-working hours and which has a roving guard patrol.

RETENTION AND DISPOSAL:

Records in system maintained for three years before disposal by mutilation or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Boating, Public and Consumer Affairs
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting the Commandant (G-CMA) at the address in 'System Manager', or by visiting the local Coast Guard District or Unit where incident occurred.
Proof of identity will be required prior to release of records. A military identification card, driver's license or

similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure.'

RECORD SOURCE CATEGORIES:

Information obtained from reports of Coast Guard boarding officers and marine safety investigations as well as from reports by citizens concerning possible violations of law or regulation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt from disclosure under the provisions of 5USC 552a (K)(2) which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 507.

SYSTEM NAME:

Coast Guard Supplement to the Manual of Courts Martial Investigations. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-L), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian employees of the Coast Guard and other individuals who may be involved in any Coast Guard investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigations into injuries to Coast Guard personnel, mishaps involving vessels, aircraft and vehicles.

Incidents involving fires, explosions, for loss or destruction of classified material.

Circumstances involving equipment failures and property damage, loss, or destruction.

Circumstances involving violation of standards of conduct personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard personnel in connection with the performance of their official duties which include, but are not limited to:

Accident prevention.

Payment of disability benefits.

Improvement of internal Coast Guard procedures and practices.

Reports are used in connection with the resolution of claims against the Coast Guard as well as claims asserted by the government.

Reports are transmitted to the Veterans Administration to assist that agency in determining entitlement to benefits administered by it.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained in storage cabinets in division files for three years and then forwarded to the Federal Records Depository.

RETRIEVABILITY:

Card index maintained permitting access to individual investigations by listing identifiable data such as name of person, vessel or other facility involved in investigation.

SAFEGUARDS:

Authorized personnel are granted access to these records in connection with the performance of their official duties.

Records are disclosed to members of the public under the provisions of the FOIA. These requests are considered on a case by case basis.

RETENTION AND DISPOSAL:

Records are maintained in division files for three years and then forwarded to Federal Records Depository

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Written request must be signed by the individual. Write to or visit:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

All individuals whose conduct is the subject of these investigations are designated at the outset as parties to these investigations and accorded their rights as such. Following completion of the investigative reports, parties will be provided with copies upon request.

At all subsequent times parties may have access to the investigative records by writing to or visiting Commandant (G-CMA), at the address in 'Notification Procedure' above or the local unit to which assigned.

Proof of identity may be required prior to release of records. Military identification, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

A party has the right to make argument and/or submit statements on his own behalf during the course of an investigation or subsequent to its conclusion. Write or visit locations as indicated in 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Coast Guard investigating officers, military and civilian personnel.

DOT/CG 508.

SYSTEM NAME:

Claims and Litigation. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-L), 2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, corporations, insurance companies, estate administrators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Suits and claims for and against the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by cognizant Coast Guard personnel, and attorneys handling cases.

For review purposes and determination as to the validity of claims.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets.

RETRIEVABILITY:

Two card index files, one alphabetic and one numeric, maintained for cross reference.

SAFEGUARDS:

Access is limited to Coast Guard and civilian employees of the Claims and Litigation Division granted in connection with official duties.

RETENTION AND DISPOSAL:

Records maintained for five years and then forwarded to the Federal Records Center. Card index files retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Written request must be signed by the individual. Write or visit:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA0 at the address in 'Notification Procedure' above

Proof of identity may be required prior to affording access to records: A military identification card, a drivers licenses or similiar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information obtained from Coast Guard military and civilian personnel, members of the public, and Coast Guard investigating officers.

DOT/CG 509.

SYSTEM NAME:

Non-Judicial Punishment Report. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-L),
2100 2nd Street, SW, Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard military personnel who have been subject to non-judicial punishment proceedings under Article 15 of the Uniform Code of Military Justice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of Proceedings under Article 15, Uniform Code of Military Justice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Coast Guard Personnel, in connection with military justice administration.

Records provide statistical data concerning the number of proceedings held, units holding proceeding, offenses committed, punishments imposed, and background data of individuals concerned.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinet.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are made available to authorized personnel. Records are maintained in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

New system, disposal procedures not as yet established. Back-up material disposed of after introduction into system.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA), at the address in 'Notification Procedure' above or the local Coast Guard District Office in the area in which the individual is assigned to duty.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information from individual service records and from proceedings conducted.

DOT/CG 510.

SYSTEM NAME:

Records of trial: Special, General and Summary Courts-Martial. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-L),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is tried by court martial in the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of trial.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These are public records available to anyone.

Review.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file cabinets.

RETRIEVABILITY:

Filed alphabetically by name of individual.

SAFEGUARDS:

Maintained in file cabinets in building with limited access during non-working hours and with roving security patrol.

RETENTION AND DISPOSAL:

Retained permanently. Maintained for two years, reviewed by System Manager and then transferred to Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,

Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visitingCommandant (G-CMA) at address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Trial proceedings and subsequent statutory reviews - Court of Military Review, Court of Military Appeals and Chief Counsel of the Coast Guard.

DOT/CG 511.

SYSTEM NAME:

Legal Assistance Case File System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-L),
2100 2nd Street, SW,
Washington, DC 20593.
System is also located at:
United States Coast Guard District Legal Offices and
Legal Offices of Coast Guard Units. See Appendix I for addresses of the District and other legal offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Clients of officers assigned to render legal assistance regarding the personal affairs of Coast Guard military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information concerning the matters handled by these officers for clients.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is used on behalf of clients in providing legal assistance.

These records are also used to prepare statistical reports concerning a legal officer's time utilization.

The Prefatory Statement of Routine Uses applies to records in this system only to the extent that their disclosure would not constitute a violation of the judicially recognized privilege attaching to attorney-client communications and of the ethical and professional responsibilities of lawyers under the American Bar Association's Code of Professional Responsibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Normally, written records kept in file folders.

RETRIEVABILITY:

Alphabetical indexes by name of member.

SAFEGUARDS:

Kept in office space or filing cabinets which are normally locked during non-working hours. Building patrolled by roving security guards after duty hours.

RETENTION AND DISPOSAL:

Records retained as long as needed to serve client or as long as deemed necessary by the legal officer. Disposal is by whatever means considered appropriate by the legal officer, depending on the contents of the record involved.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.
District or unit legal offices:
Senior Counsel, for records maintained at the particular location (See Appendix I for addresses).

NOTIFICATION PROCEDURE:

Requests for determination whether this system contains records concerning an individual should be made in writing or in person to:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

These records are available in the Office of Chief Counsel at Coast Guard Headquarters or within the legal offices in the various Coast Guard districts or units, dependent on where legal assistance was rendered.

A military identification card or other comparable identification will be required to be shown by persons seeking access to their legal assistance records.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting the contents of these records or for appealing initial determinations by the custodian therof not to disclose any part of these records shall be controlling. These rules may be obtained by writing: Commandant (G-CMA) at the address listed in 'Notification Procedure.'

RECORD SOURCE CATEGORIES:

Information in this record system is obtained from the client involved and as a result of any subsequent investigation by the legal officer on behalf of the client.

DOT/CG 516.

SYSTEM NAME:

Coast Guard Military Discrimination Complaints. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-H),
2100 2nd Street, SW,
Washington, DC 20593.
Records are also maintained at:
Each District Office and Headquarters Unit at the addresses in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Military Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain discrimination complaints filed by Coast Guard military personnel or their representatives and correspondence resulting therefrom.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Transportation, Office of Civil Rights:
Used for investigations of complaints and arriving at decisions for resolution of complaints.
Coast Guard Headquarters Military Personnel Office:
Used for information in making personnel administration decisions.
Coast Guard Headquarters, Commandant, Vice Commandant, Congressional Liaison: Used to answer correspondence being sent to Congressional representatives, federal and state officials, and nationally recognized organizations who are representing the individual.
Coast Guard Headquarters, Office of Civil Rights and the Military Equal Opportunity Division:
Used to take care of discrimination complaints and the correspondence precipitated therefrom and maintain a file on it.
All Coast Guard Commands:
Used to bring a complaint to a satisfactory conclusion, where possible.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders kept in file cabinets.

RETRIEVABILITY:

System is kept by alphabetical file, service number and/or social security number, rank/rate, and Coast Guard unit.

SAFEGUARDS:

During normal working hours access to records is controlled by office personnel; during non-working hours the building is guarded by a roving security patrol.

RETENTION AND DISPOSAL:

Files are kept permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Civil Rights,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact the following office in writing or in person:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local office where the record is filed.

Prior written notification of personal visits is required to insure that the records will be available at the time of visit.

Proof of identity will be required prior to affording access to records. A military identification, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

From individuals or their representatives submitting complaints, congressional correspondence, personnel service, records, Coast Guard Headquarters and Coast Guard units correspondence, individuals and organizations volunteering information pertinent to complaints.

DOT/CG 517.

SYSTEM NAME:

Complaints of Discrimination. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-H),
2100 2nd Street, SW,
Washington, DC 20593.
Each District and Headquarters Unit: See addresses in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees (including non-appropriated funds employees) and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Various memoranda, letters, statements, statistics and other information related to the situation which prompted the person to allege discrimination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigating and processing complaints of discrimination by personnel in Office of Civil Rights, Investigators, Hearing Examiners, Employee Representatives, Coast Guard Officials.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Typed, hand-written, printed material stored in folders in metal filing cabinets.

RETRIEVABILITY:

Indexed by name and Coast Guard installation.

SAFEGUARDS:

Screening of personnel, need to know basis.

After duty hours, building is secured and roving security guards are on duty.

RETENTION AND DISPOSAL:

Maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Civil Rights,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact the following office in person or in writing:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting the Commandant (G-CMA) at the address in 'Notification Procedure' or the local activity where the complaint was filed.

Prior written notification of personal visits is required to insure that the records will be available at the time of visit.

Proof of identity will be required prior to release of records. A military identification card, drivers license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Interviews with complainant, employees, management officials; personnel records, internal Coast Guard memoranda.

DOT/CG 525.

SYSTEM NAME:

Active Duty Military Payroll System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F)
2100 2nd Street, SW,
Washington, DC 20593.
System is used throughout the Coast Guard. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay and allowances records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Prepare check tapes.

Prepare listings and reports for various USCG offices.

Reports of funds expended.

Reports of earnings to state and city taxing authorities.

Listing of earnings to appropriate taxing authoriites.

W-2 and federal tax reporting to the Internal Revenue Service.

FICA reporting.

Produce runs for reconciliation of allotments

Produce mailing labels.

Used by Coast Guard employees in performance of official duties in preparing and maintaining the Active Duty Military Payroll System.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in cabinets. Check tapes are retained in tape library.

RETRIEVABILITY:

Records are indexed alphabetically, check tapes are indexed by tape number.

SAFEGUARDS:

Access is limited to user staff members.

Secured building after duty hours.

RETENTION AND DISPOSAL:

Pay records are retained until closed (6 months) and then transferred to Headquarters, Pay Systems Branch.

Payroll listings are retained for 3 years and then transferred to a Federal Records Center.

Tapes retained for 6 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting the Commandant (G-CMA) at the address in 'Notification Procedure', or the local Coast Guard District for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, Coast Guard personnel and payroll offices and the Department of Defense.

DOT/CG 526.

SYSTEM NAME:

Adjudication and Settlement of Claims System, DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F)
2100 2nd Street, SW,
Washington, DC 20593.

Partial systems are located at Coast Guard Districts and Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members.
Reserve military members.
Retired military members.
Civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims arising out of disputes concerning amounts of pay received.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To reach a final decision as to entitlements of claimants.

To use as precedential data in the resolution of similar questions in the future.

Used by authorized Coast Guard officials and officials of the IRS, GAO, and the Civil Service Commission, as required.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in file folders.

RETRIEVABILITY:

Claims in the file are filed and retrieved by claimant name.

SAFEGUARDS:

Access is limited to authorized officials by screening of personnel.

Maintained in Government building having roving security guards after duty hours.

RETENTION AND DISPOSAL:

After adjudication and settlement, most submissions are disposed of. A limited number of such submissions are retained for precedential value, as required.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedures' or the local Coast Guard District or Unit administrative officer for the area in which an individual's duty station is located. See Appendix I for locations.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include: the individual, CG payroll offices, legal staff, investigators, Office of Personnel, Comptroller General (GAO) and congressional correspondence.

DOT/CG 527.

SYSTEM NAME:

Allotment System (Military), DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Lafayette Ave.,
Riverdale, MD 20840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Military Members.
Retired Military Members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Allotment deductions from active duty military pay and retired military pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized personnel to prepare tapes and vouchers for cutting checks and bonds for submission to banks, charity organizations, dependents or other institutions and firms as authorized by individuals.

Various reports as required by USCG offices.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Main records are maintained on microfilm, others are filed manually in file folders.

RETRIEVABILITY:

Microfilm records are indexed alphabetically/SSN, file folders by ACO number and alphabetically. Retrieved by name/number.

RETENTION AND DISPOSAL:

Files are maintained until individual is discharged from service or expires. Records are then shipped to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact the following office in person or in writing:
Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identitification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Sources include: the individual and USCG payroll offices.

DOT/CG 528.

SYSTEM NAME:

Centralized Reserve Pay and Retirement System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Lafayette Ave.,
Riverdale, MD 20840.
System is also located at District Offices and other Field Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Coast Guard Reserve Members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Master Pay and Retirement Point Credits Record.
Master Personnel Data Accounting Record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to prepare monthly payroll and all associated listings.
Used also:
For preparation of budgets.
For accounting purposes.
To compute pay and points.
The compilation of data.
Permanent pay and points records (retirement data).
W-2 wage and federal tax reporting.
To report earnings to state and city taxing authorities.
Used by authorized Coast Guard, IRS, GAO, and other Agency Officials as required.
See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microfilm of payroll retained in Reserve Pay Branches and Districts.
Records are filed manually in filing cabinet.

RETRIEVABILITY:

Records are indexed alphabetically by name of Reservist and CG Unit Number.
Records are retrieved by name/number.

SAFEGUARDS:

Access is limited to user staff members.

Stored in secured building after duty hours.

RETENTION AND DISPOSAL:

Microfilm and records are retained until member is discharged or retired. Three years subsequent to retirement or discharge, records are transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit administrative officer for the area in which an indiviudal's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The District Commander and Office of Reserve.
The individual.
Unit Commanding Officers.
District Commanders.
Office of the Reserve.

DOT/CG 529.

SYSTEM NAME:

Civilian Payroll System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Federal Aviation Administration (FAA),
Aeronautical Center (AAC-24),
P.O. Box 25735,
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Earnings and leave.
Retirement records.
Pay files.
Allotment deductions.
Accounts receivable and accounts payable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for the preparation of payroll checks and bonds.
To report federal withholding tax to the Internal Revenue Service.
To report earnings to state and city taxing authorities.
To report FICA withholding to the Social Security Administration.
Used also to prepare report of retirement contributions, allotment payments, and various reports for CG Headquarters and District Offices (budgeting, accounting, management, etc).
Used by authorized Coast Guard, FAA, IRS, GAO, and Civil Service Commission in the performance of their official duties.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manually filed in file folders, records maintained on tape.

RETRIEVABILITY:

Records indexed by pay periods, alphabetically, and by tape number. Records are retrieved by name/number.

SAFEGUARDS:

Access is limited to authorized personnel.
Stored in Government building with a roving security guard after duty hours.

RETENTION AND DISPOSAL:

Records retained for 3, 4 and 10 years then transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar documents will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Personnel Offices.
Payroll Offices.

DOT/CG 530.

SYSTEM NAME:

Closed Out Military Pay Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Lafayette Ave.,
Riverdale, MD 20840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members, retired military members, and separated military members. Closed out active duty pay records of active duty members, retired members, and separated members and correspondence relating thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard and other agency personnel for auditing and settlement of claims (over/under payments).

Source of data permitting responses to general and Congressional inquiries and for submitting reports to the General Accounting Office.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by name/number.

SAFEGUARDS:

Access is limited to authorized Coast Gurad or other agency personnel.
Records are stored in building having roving security guards.

RETENTION AND DISPOSAL:

Pay records of retirees and separated members maintained separately for one year after date of retirement or separation, then transferred to a Federal Records Center for retention until records become disposable 10 years after final separation or retirement of member.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit administrative office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Coast Guard Payroll Offices.
Responsible agencies.
Congressional correspondence.

DOT/CG 532.

SYSTEM NAME:

FICA Wage and Tax System for Military Pay, DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Riverdale Ave.,
Riverdale, MD 20840
and at:
Each District and Headquarters Unit.
See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Wages paid and federal taxes witheld, FICA wages witheld.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Control processing and reporting of FICA to the Social Security Administration.

W-2 wage and tax data to IRS are forwarded using magnetic tapes for reporting purposes.

Information is used by authorized Coast Guard personnel.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Record listings are filed manually, semi-annually.

Magnetic tapes are filed in tape library.

RETRIEVABILITY:

Listings are indexed by date; tapes are indexed by tape number. Retrieved by name/number.

SAFEGUARDS:

Access is limited to user staff members. Maintained in building which is secured after duty hours.

RETENTION AND DISPOSAL:

Listings retained for 2 years, then transferred to a Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Coast Guard payroll offices.

DOT/CG 533.

SYSTEM NAME:

Retired Pay and Personnel System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Military Pay Center,
6501 Lafayette Ave.,
Riverdale, MD 20840

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Annuitants.
Lighthouse Keeper Retirees.
Honorary Retirees.
USCG Retirees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pay and personnel data of military retirees, annuitants, lighthouse keepers and retirees.

Personnel data of honorary retirees.

Accounts receivable and accounts payable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Produce various listings and reports provided to USCG offices.

Produce checks.

W-2 wage and federal tax reporting to the Internal Revenue Service.

Reports of earnings to state and city taxing authorities.

Listing of currently retiring officers, home addresses and mailing labels used by authorized USCG and USCG affiliated organizations.

Reports and information exchanged with the Veterans Administration, Civil Service Commission, SOcial Security Administration, the Department of Defense and the Red Cross.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in file folders.

Microfilm is stored in the retired pay branch.

Check tapes are filed in tape library.

RETRIEVABILITY:

Records and microfilm are indexed alphabetically, check tapes are indexed by tape number.

Retrieved by name/number.

SAFEGUARDS:

Access is limited to user staff members under supervisory control.

Stored in government building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Records are retained in the Retired Pay Branch for 3 years subsequent to retiree's or annuitant's death, then forwarded to a Federal Records Center.

Magnetic tapes are retained 18 months, microfilm for 6 years (required by GAO) then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Coast Guard personnel offices.
Coast Guard payroll offices.

DOT/CG 534.

SYSTEM NAME:

Travel and Transportation of Household Effects. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-F), 2100 2nd Street, SW, Washington, DC 20593.
System is also located at each District Office and Headquarters unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military members, retired military members, and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel claims, transportation claims, government bills of lading, application for shipment of household effects.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Vouchers submitted for payment of claims, for audit of claims for payment, to account for cost of moving household goods, advice of shipment of household goods, for reporting of funds expended, and for payment of household and transportation claims.
Used by authorized Coast Guard personnel and personnel of the General Accounting Office (GAO) in connection with the performance of official duties.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filed manually in file folders.

RETRIEVABILITY:

Records are retrieved by schedule numbers and/or individual name.

SAFEGUARDS:

Access is limited to user staff members.
Stored in a building which is secured after duty hours.

RETENTION AND DISPOSAL:

Records are kept for 3 years, then transferred to a Federal Records Center.
Exception: Schedule 98-Ts (Freight and Transportation) are forwarded to General Accounting Office (GAO) after 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which an individual's duty station is located.
Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
The individual who is the subject of the record.
Ground freight and transportation carriers and agents.
Airline companies.
Personnel offices.
Other responsible agencies.

DOT/CG 535.

SYSTEM NAME:

Nonappropriated Fund System (NAFA). DOT/CG.

SYSTEM LOCATION:

Department of Trasnsportation (DOT), United States Coast Guard (CG), Commandant (G-FER), 2100 2nd Street, SW, Washington, DC 20593.
System is also located at:
District and Headquarters Units. See Appendix I for Locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees.
Active duty military members.
Retired military members.
Military dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll records.
Accounting records for NAFA loans.
Purchase slips for articles sold in Base Exchange (BX) that cost more than 75 dollars.
Listing of bad checks.
Lay away purchase list.
Job applications.
Personnel records.
Credit books kept by ships and isolated shore units.
Correspondence.
Membership applications.
Accounts receivable.
Investigatory reports involving abuse of facilities.
Purchase listings and sales slips for specific items.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Payroll for NAFA employees.
Personnel actions.
Accounting purposes.
Budget and inventory controls.
Used by members and employees of USCG in the performance of their official duties related to the management, supervision and administration of nonappropriated funds.
Officials and employees of other agencies, attorney general's office or Congress in the performance of their official duties related to the management, supervision and administration of nonappropriated funds.
Billing, reservations, protection of funds.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on tape, disc, drums and punched cards.
Manual records may be stored in file folders and/or credit ledgers, card files, and notebooks.

RETRIEVABILITY:

Records are indexed alphabetically and by social security number, membership number or unit number.

SAFEGUARDS:

Access is limited to authorized personnel. Building is secured after duty hours.

RETENTION AND DISPOSAL:

Records are retained until usefulness has expired and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit office for the area in which an individual's work station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as in 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Sources include:
The individual.
Previous employees.
Educational institutions.
Employment agencies.
Civilian and military investigative reports.
General correspondence.

DOT/CG 536.

SYSTEM NAME:

Contract and Real Property File System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F),
2100 2nd Street, SW,
Washington, DC 20593.
Systems are also located at various District and Headquarters Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or companies doing business with the Coast Guard.
Employees of prime and sub-contractors.
Individuals requiring use of CG property.
Military members and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contracts and related files.
Real property and leased family housing files.
Bidders list.
Minority compliance records.
Payment schedule records.
Witness fees records.
Various payment files relating to Admiralty and Tort claims.
Personnel claims.
Collection register.
Open purchase order file.
Correspondence files and vendor lists.
Information on employees of contractors, job level and pay of these employees.
Permits, licenses and easements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to determine compliance of contractors with minimum wages for certain skills and trades on government contracts.
Used to aid in record keeping of payments and collections.
Used to determine potential for contracting with the government.
Used to record issuance of personal property and maintain inventories.
Used to determine contractor responsibilities and liability.
Used by Coast Guard officials of the General Accounting Office (GAO) in performance of duties.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manually filed in file folders. Maintained on tape/card three ring binders, and in hard cover books.

RETRIEVABILITY:

Retrieved by individual/company name, number, construction job, and/or location.

SAFEGUARDS:

Access restricted to authorized personnel only; some records in locked safe and/or filing cabinet.
Maintained in building having roving security guard after duty hours.

RETENTION AND DISPOSAL:

Some records retained indefinitely; some retained 3, 4 or 6 years, then destroyed or forwarded to a Federal Records Center for an additional 7 years

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Comptroller,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or Unit office for the area in which the contract was submitted or property is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as above 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Sources include:
Individuals.
Contractors.
Contract employees.
Bidders.
Finiancial institutions.
Insurance companies.
Community associations.
Other agencies.
Bills.
Letters.
Collection receipts.
Electronic accounting machine listings.

DOT/CG 537.

SYSTEM NAME:

FHA Mortgage Insurance for Servicemen.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-F),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Coast Guard Military Personnel who have applied for Federal Housing Administration Mortagage Insurance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Selected aspects of FHA Mortgage Insurance Records for military personnel, including copies of Form DD-802, 'Request for and Certificate of Eligibility' and Form DD-803, 'Certificate of Termination'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to enable management to verify that billings from FHA are correct, and payable from Coast Guard funds. Users are authorized Coast Guard personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are filed manually in closed file cases.

RETRIEVABILITY:

Folders are filed by named individual, alphabetically. Copies of documents are filed chronologically in the folders together with a record of payment.

SAFEGUARDS:

Access is limited to user staff members. After duty hours the building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Files are maintained as long as a member is covered by an insured mortgage loan; 3 years after, files are forwarded to Federal Records Center. Destroyed 4 years after case files are closed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Office of Comptroller,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact Commandant (G-CMA),
U.S. Coast Guard Headquarters,
Washington, DC 20593.
The written request should include the requestors name in full and signature.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing Commandant (G-CMA), at the address above, or by visiting the Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC. Proof of identity will be required prior to affording an individual access to his records. A military identification card, a drivers license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

From individual concerned and the Federal Housing Administration.

DOT/CG 561.

SYSTEM NAME:

Port Safety Reporting System Individual Violation Histories. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-WPE-5),
2100 2nd Street, SW,
Washington, DC 20593.
System is also located at:
Offices of the District Commanders. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Masters, operators, owners, agents, shippers, charterers and/or pilots of commercial vessels and barges, reported for violations of United States port safety regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized listings, by name, giving specific violations, date, place and penalty assessed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determining penalties to be assessed by Coast Guard hearing officers; execution of judgments by U. S. attorneys as necessary.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape or disc.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Restricted access data processing area. Program access by password.
Source documents and printouts are stored in locked rooms or file cabinets.

RETENTION AND DISPOSAL:

Disposed of 3 years after final disposition of case.
Paper files destroyed by mutilation, shredding or burning.
Magnetic tapes are obliterated by writing over magnetic surface till content is rendered useless and unreadable.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Marine Environment and Systems,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above or the local Coast Guard District, at the address in Appendix I, where the violation occurred.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Report of Violation, Form CG-2636, prepared by Coast Guard officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 571.

SYSTEM NAME:

Physical Disability Separation System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-KMA),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USCG active duty personnel and USCG personnel separated or retired for physical disability.

CATEGORIES OF RECORDS IN THE SYSTEM:

Central Physical Evaluation Board files.

Formal Physical Evaluation Board files.

Physical Review Council files.

Physical Disability Appeal Board files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by:

Coast Guard officials in connection with physical disability separation and retirement proceedings.

The Veterans Administration for assistance in determining the elgibility of individuals for benefits administered by that agency and available to USPHS or DOD medical personnel in connection with the performance of their official duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name of individual .

SAFEGUARDS:

Roving guard patrol. Restricted personnel access by screening.

RETENTION AND DISPOSAL:

Retained two years after disposition then transferred to Federal Records Center, St. Louis, MO.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Health Services,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must include a notarized statement attesting that the individual requesting the notification is in fact the individual about whom information is requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure' above.

RECORD SOURCE CATEGORIES:

Information in records developed through proceedings of administrative bodies listed in 'Categories of Records' above.

DOT/CG 572.

SYSTEM NAME:

USCG Military Personnel Health Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-KPS),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USCG active duty personnel. USCG active duty personnel dependents.

Dependents of USCG active duty personnel.

Department of Defense active duty personnel and dependents.

Dependents of USCG and DOD retired personnel and their dependents.

Members of USCG Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of medical and dental treatment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by medical staff in affording medical and dental treatment to personnel listed in 'Categories of Individuals' above.

Provided to the Social Security Administration and Veteran's Administration for use in determining an individual's entitlement to benefits administered by those agencies.

Records are provided to the Department of Health, Education and Welfare for purposes of the Federal Medical Care recovery set.

Records are available to the Public Health Service or DOD medical personnel in connection with medical treatment of individuals at USPHS or DOD facilities.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name and military identification number.

SAFEGUARDS:

Roving guard patrol. Room in which records are located is locked when unattended.

Access limited to these records at all times by personnel screening.

RETENTION AND DISPOSAL:

Retained so long as individual is assigned to the particular area. Transmitted to new duty station upon transfer of member/sponsor. Incorporated into personnel record file system upon transfer, separation, or retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Health Services,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local District or Headquarters Unit Office for the area in which assigned. See Appendix I for locations. See Appendix II for details pertaining to release of medical records.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Medical facilities where treatment received and from the individual.

All Field Units with Medical Personnel assigned. See Appendix I for locations.

DOT/CG 573.

SYSTEM NAME:

U.S. Public Health Services (USPHS) Commissioned Officer Corps Staffing and Recruitment Files. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-KMA),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel records of USPHS commissioned officers assigned to duty with the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records, Commissioning applications, assignment preference, reference questionnaires, background information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to assist administrators in assigning personnel to area requiring their specific skills.

Used to monitor career development of personnel assigned to program.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name of individuals.

SAFEGUARDS:

During working hours access is controlled by office personnel; during non-working hours building is patrolled by roving security patrol.

RETENTION AND DISPOSAL:

Records are retained during period of an individual's assignment to the Coast Guard. Thereafter, records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Health Services,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure'.

Proof of identity will be required prior to release of records. A military identification card, driver's license or similiar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Previous employers, educational institutions, references, Coast Guard Medical Administrators and the individual.

DOT/CG 586.

SYSTEM NAME:

Chemical Transportation Industry Advisory Committee. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-M),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Committee members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address, phone number.
Biographical sketch.
Committee information.
Minutes of meetings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Arranging meetings, keeping records of committee business, determine committee membership.

Used by Coast Guard personnel in the performance of offficial duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By committee name/individual name.

SAFEGUARDS:

Personnel screening prior to granting access.

Building has roving security after hours.

RETENTION AND DISPOSAL:

Permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Merchant Marine safety,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to granting access. A military identification card, driver's license or similar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

From the individual of record.

DOT/CG 587.

SYSTEM NAME:

Investigation of Violations of Marine Safety Laws or Regulations. DOT/CG.

SYSTEM LOCATION:

District Offices - See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have violated or who are suspected of violating marine safety or related laws or regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of violation and supporting documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluation by Coast Guard personnel for law enforcement purposes.

Evaluation by other agencies, state, local and foreign governments for purposes of law enforcement, and other purposes which the agency may deem necessary for their mission.

For use in civil litigation.

For insurance purposes.

Use by the general public.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Records pertaining to violations of law or regulation are retrieved by individual name or vessel name.

SAFEGUARDS:

Destroyed three years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Merchant Marine Safety,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District for the area in which the alleged violation occurred.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Coast Guard investigating records compiled as a result of vessel casualty.
Investigations by other law enforcement agencies.
Vessel operator complaints.
Deficiencies noted during Coast Guard inspections.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system may be exempt from disclosure under the provisions of 5 USC 552a (K)(2) which provide in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 589.

SYSTEM NAME:

U. S. Merchant Seamen's Records.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-MVP),
2100 2nd Street, SW,
Washington, DC 20593.
Portions of these records may be located at the Marine Inspection Office or the Marine Safety Office where the seaman was documented.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U. S. Merchant Seamen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel File.
Shipping Articles.
Locator List.
Log Books.
Seamen's License Records.
Fingerprint Records.
Disciplinary Records.
Security Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Coast Guard officials in administering the Commercial Vessel Safety Program to determine qualifications for the issuance of licenses, documents, and certificates; to determine disciplinary action; to provide duplicate records of service or documents to the seaman, his next of kin or his agent; to provide information to other Federal Agencies, such as the Veterans' Administration, the Social Security Administration, etc. in connection with benefits and services administered by those agencies; to provide information to private organizations when considered beneficial to the seaman; to provide information to Federal, State, and local investigative and law enforcement officials as provided for by law.
See Prefatory Statement of General Routine Use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The personnel file will be stored on updateable microfiche and limited personal data will reside on computer disks and magnetic tapes. The above media will be continuously updated as new or additional data is received. The remainder of the records will be stored in file folders in paper form.

RETRIEVABILITY:

The personnel file on microfiche will be accessed from its storage cabinet by a coded identifier of the location of the record within the cabinet. The data on the computer record will be retrieved by direct terminal access with the selection of data elements determined by the authorized user. Retrieval will be by name and cross indexed under ID (i.e., 'Z', 'BK', or Social Security Number).

SAFEGUARDS:

Personnel files on microfiche are stored in the locked retrieval cabinet. The data on the computer file can be retrieved only via 'password' identifier with users being permitted access only to that portion of the overall file that has previously been determined as meeting their needs. The file folders are maintained in locked rooms.

RETENTION AND DISPOSAL:

Personnel files are held 3 years for unlicensed personnel and 10 years for licensed personnel after last activity, then transferred to a holding area where they may be destroyed after 60 years of inactivity. Shipping Articles are held 3 years then transferred to a Federal Records Center where they are considered historical data and are not destroyed. Disciplinary Records are maintained in paper form. Administrative Law Judge's Decisions and Orders and Appeal File are transferred to a Federal Records Center after 5 years. Commandant's Decision on Appeal and National Transportation Safety Board Decisions and Orders are retained. Disciplinary Record Cards are destroyed upon notice of death.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Merchant Marine Safety,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. In order to determine if a record for an individual exists, it is necessary that the applicant furnish the complete name in which the document was issued, the serial number of the document (i.e., 'Z', 'BK', and/or Social Security Number), and his date

and place of birth. A written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing Commandant (G-CMA) or visiting at the address in 'Notification Procedure' or the Marine Inspection Office or Marine Safety Office where the document was issued for locally maintained portions.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Personnel File - Date furnished by the seamen, U.S. Coast Guard officials, other Federal Agencies and employer. Shipping Articles - Vessels' operators, seamen, masters of vessels, State Department, and Coast Guard officials. Disciplinary Records - Furnished by the Investigating Officers at the various Marine Inspection and Marine Safety Offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provide, in part that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 591.

SYSTEM NAME:

Merchant Vessel Documentation System (Manual and Automated). DOT/CG.

SYSTEM LOCATION:

Automated system is located at:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (C-MVD),
2100 2nd Street, SW,
Washington, DC 20593.
Manual systems are located at:
Coast Merchant Vessel Documentation Offices,
(See section E.W., Standard Distribution List - COMDTNOTE 5605 for office locations).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vessel owners.
Mortgagees.
Vessel buyers and sellers.
Lien claimants.
Vessel builders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vessel owner information.
Vessel information.
Instruments of record (bills of sale, mortgages, etc.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Establishing eligibility for documentation of vessels.
Issuance of marine documents.
Recordation of bills of sale, mortgages, etc.
Publication of the annual MERCHANT VESSELS OF THE UNITED STATES.
Publication of the monthly supplement to MERCHANT VESSELS OF THE UNITED STATES.
Used by:
Coast Guard.
Other Governmental agencies.
Financial institutions and other money leaders.
Anyone having business with or an interest in a documented vessel.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index of owners maintained by Commandant (G-MVD).
All other records maintained at home port of vessel by vessel name.

RETRIEVABILITY:

Upon furnishing name of vessel owner to Commandant (G-MVD), vessel name is established and request for information referred to appropriate home port.
Records retrieved at home port by use of vessel name.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Listings of vessel owners constantly updated by additions and deletions (automated).
Field office vessel folders transferred to FRC 2 years after change of vessel's home port or 2 years after removal of vessel from documentation (manual).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Merchant Marine Safety,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual whose records are the subject.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing or by visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Vessel owners, Mortgagee, lien claimants, Vessel sellers and buyers, Coast Guard admeasures and vessel builders.

DOT/CG 592.

SYSTEM NAME:

Registered/Applicant Pilot Eligibility Folder. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Ninth Coast Guard District,
Great Lakes Pilotage Staff,
1240 East Ninth Street,
Cleveland, OH 44199.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States registered pilots and applicant pilots suitably registered to perform pilotage duties aboard foreign vessels on the Great Lakes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for registration, renewal of registration, annual report of physical examination, Coast Guard license data, examination for registration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Department of Transportation, U. S. Coast Guard, F.B.I., pilot associations and corporations.
Used for pilot registration, training program needs, retirements, statistical compilations, and negotiations with Canadian authorities to assure equitable

participation by U.S. registered pilots with Canadian registered pilots.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name and pilot registration number.

SAFEGUARDS:

Screened by office personnel prior to use. Locked in cabinets during non-working hours.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Great Lakes Pilotage Staff,
Ninth Coast Guard District,
1240 East Ninth Street,
Cleveland, OH 44199.

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:

Individual's original application for U.S. pilot's registration and individual's yearly report of medical examination.

DOT/CG 611.

SYSTEM NAME:

Intelligence and Security Investigative Case System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation(DOT),
United States Coast Guard(CG),
Commandant (G-OIS),
2100 2nd Street, SW,
Washington, DC 20593.

Systems are also located in Coast Guard District Offices at the addresses listed in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U. S. Coast Guard military personnel, merchant marine personnel, port and dock workers, and persons under investigation for violations of laws and regulations administered by the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security investigations, national agency check results, criminal investigations, counterintelligence investigations, computerized case control system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard personnel for:

Security clearances.

Actions by commanders under the Uniform Code of Military Justice.

Career advancement of U.S. Coast Guard military personnel.

Approval of merchant seamen documents.

Access of individuals to port facilities.

Used by:

Appropriate federal, state or local agencies for criminal law enforcement and prosecution by the United States government.

National Agency Checks and background investigations.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Investigative dossiers and 3x5 card retrieval system.

RETRIEVABILITY:

By name and/or case number.

SAFEGUARDS:

Alarm controlled spaces, locked and/or limited access file cabinets and office spaces.

Using receipt control, automatic data processing (ADP) system cannot be penetrated for data through terminals, or otherwise, located outside the U.S. Coast Guard computer center without use of proper administrative controls.

Release of dossiers to accreditied personnel on 'need-to-know' basis only.

RETENTION AND DISPOSAL:

Dossiers retained 50 years from date of birth.

Deceased, retirees and others separated are held one year from separation.

Dossiers are retired to the Washington National Federal Records Center for further retention of 30 years.

3x5 cards are annotated to recall retired dossiers if necessary.

Computer printouts are retained for 10 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Operations,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office, location in Appendix I, for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

National Agency Checks, background investigations, criminal investigations, interviews, records, checks, observations, statements.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(2), which provides in part that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent the identity of the source of the information would be revealed by disclosing the investigatory record, and the source has received an express promise that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5) which provides, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the 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 the effective date of this section,

under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the pro- visions of 5 USC 552a (k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from dis- closure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a 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.

DOT/CG 612.

SYSTEM NAME:

Port Security Card System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard
Headquarters (CG),
Commandant (G-OIS),
2100 2nd Street, SW,
Washington, DC 20593.
Records also also located at each District Office. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons regularly employed on vessels and water front facilities, or persons having regular public or private business with the operation, maintenance, or administration of vessels and cargoes or waterfront facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for port security cards awaiting processing.
Processed applications indicating those granted or denied port security cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Authorized Coast Guard officials to determine eligibility for issuance of Port Security Cards
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, 3x5 cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Maintained in file cabinets in secure areas.
Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Retained for 8 years, then destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Operations,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Departemnt of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which the application was filed.
Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered sutitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Individual applications.
National Agency checks.
Other records already at Coast Guard Headquarters, if any.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(2), which provide, in part, that investigatory material compiled for law enforcement purposes may be withheld from disclosure to the extent that the identity of the source of the information would be revealed by disclosing the investigatory record and the source has received an express guarantee that his identity would be held in confidence, or, prior to the effective date of this section, if the source received an implied promise that his identity would be held in confidence.

DOT/CG 622.

SYSTEM NAME:

Military Training and Education Records. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-PTE), 2100 2nd Street, SW, Washington, DC 20593. Records are also located at District and Headquarters Units. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Military Personnel (Commissioned Officers, Commissioned Warrant Officers, Cadets, and Enlisted Personnel.)

CATEGORIES OF RECORDS IN THE SYSTEM:

General Service Correspondence Course. Off-Duty Education Records. Professional Training Records. Non-traditional Educational Support Records. Achievement and Aptitude Test Results. Academic Performance Records. Correspondence Course Rate Advancement Records. Military Performance Records. Admissions Processing Records. Grade Reporting Records. Cadet Academic Status Records. Transcript Maintenance Records. Cadet Discipline Status Records. Military Personnel Records. Military Training Schedules Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Evaluation and measurement of training performance. Statistical summaries. Input to personnel records. Partial criteria for selection and admission to service/professional schools. Partial criteria for selection to postgraduate education programs. Criteria for admission to the Coast Guard. Criteria for retention in service Schools. Criteria for promotion. The above information is used by authorized Coast Guard personnel in the performance of Official duties. See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets. Portions are stored on ADP equipment.

RETRIEVABILITY:

Retrieved by name, rate, class number, cadet code number, and Social Security Number.

SAFEGUARDS:

Records are kept in file cabinets in offices that are locked during off-duty hours. Those records stored in ADP equipment may only be accessed through use of a user access code.

RETENTION AND DISPOSAL:

Personal History, Service History and School Conduct and Military Performance records are kept for one year. Academic and Correspondence Course records are kept for five years. Aptitude and Achievement Test results, as a part of Training and Education records, are kept for five years. Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel, Department of Transportation, United States Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting (G-CMA) at the address in 'Notification Procedure', or by visiting the local activity where assigned for training. Prior written notification of personal visits is required to insure that the applicable record will be available. Proof of identity is required prior to release of records. A military identification card, driver's license, or similiar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Official military personnel records, test results, instructors and supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the pro- visions of 5 U.S.C. 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of a 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.

DOT/CG 624.

SYSTEM NAME:

Personnel Management Information System (PMIS)

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-P),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All regular Coast Guard personnel on active duty. All Reserve Coast Guard personnel on extended active duty and Reserve personnel on initial active duty for training.

CATEGORIES OF RECORDS IN THE SYSTEM:

A single computer record which currently contains about 450 data elements on each member. Some data elements are used only for enlisted, others only for officers. The file contains personal information such as name, place of birth, rank, location, etc. The file also contains pay date elements which will form the basis for deriving pay entitlements for Coast Guard military personnel under the Joint Uniform Military Pay System (JUMPS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used to produce a number of reports used throughout the Coast Guard. Types of reports are:

Locator Listing for Headquarters and Districts,

Personnel Roster for the unit to assist in verifying information,

Number of personnel in pay grades for advancement levels and budget expenditures,

Current reports for this system of records are listed in the Reports Distribution Manual generated by the Coast Guard for this system,

Queires and batch processing are used to recruitment levels,

Various Coast Guard offices receive the locator listing and management reports,

Government agencies other than Coast Guard categories,

See prefatory statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks with tape backups. The file is updated once a week. Once a month the file is dumped to a tape file for historical purposes.

RETRIEVABILITY:

Retrieval from the system is by use of name or Social Security Number or a combination of personal and non-personal characteristics.

Users retrieve information direct from the file through card input or direct terminal access. Data elements to be retrieved and method of use are selected by the user.

An extract file containing summary records is produced monthly for use on a 'time sharing' system. Retrieval of information from this extract is by direct terminal access only. Data elements to be retrieved and method of use are selected by the user.

SAFEGUARDS:

The computer provides privacy and access limitations by requiring a user name and password match. In addition each element of the file has its own level of accessability which must be held by the user. Only those staff components at Headquarters with a need to have access to the file are given user names and passwords. Access to the 'Time Share' extract is similarly controlled. The backup tapes and monthly dumps also have limited access in that users

must justify the need before they are provided the tape numbers.

RETENTION AND DISPOSAL:

End-of-Year system backup tapes and day to day transaction tapes are retained indefinitely. Statistical and other report extract tapes are recycled into the system and consequently destroyed. Paper working files are disposed of in accordance with current record disposal instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Inquiries should be directed to:
Department of Transportaion,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure'. Prior written notification of personal visits is requried to insure that the records will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

The data to update the file comes from copies of official service record entries prepared by field units. The data is entered on tape for update of the computer files.

DOT/CG 625.

SYSTEM NAME:

Officer Selection and Appointment System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PMR),
2100 2nd Street, SW,
Washington, DC 20593.
Records are also located at each District and Headquarters Unit. Use Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for Coast Guard Officer Candidate School or direct commission programs of the Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system is supplied by applicants and also by persons, other than the applicants, who submit information pertinent to the suitability of the applicants for commissioned service in the Coast Guard.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Coast Guard in the performance of their duties in managing and contributing to the recruitment and appointment of men and women for officer programs in the regular and reserve components of the Coast Guard.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies.

Official employees of the Veterans Administration and Selective Service Administration in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders.

RETRIEVABILITY:

The system is indexed alphabetically by name of applicant and is retrieved by name.

SAFEGUARDS:

Records kept in file cabinets locked after working hours.

Buildings have 24-hour security guards and limited access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: APPLICATION FILES FOR NONSELECTED OFFICER CANDIDATE APPLICANTS ARE DESTROYED AFTER SIX MONTHS AND NONSELECTED APPLICANTS FOR DIRECT COMMISSION ARE DESTROYED AFTER ONE YEAR. FILES FOR ALL SELECTED APPLICANTS ARE PLACED IN THE SELECTEE'S OFFICER PERSONNEL FOLDER.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedure may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or to the applicable Coast Guard District Office.

A letter request should contain full name, address, social security number, approximate date of application, and signature.

Proof of identification will consist of military identification card, driver's license or other official identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Coast Guard recruiting personnel and employee processing application.

Medical personnel conducting physical examination and private physicians providing consultations or patient history.

Character and employer references named by applicants.

Educational institutions, staff and faculty members.

Selective Service Commission.

Local state and Federal law enforcement agencies.

Prior or current military service record.

Commanding officer of Coast Guard unit, if active duty.

Coast Guard offices charged with personnel security clearance functions.

Other Coast Guard officials and employees in the performance of their official duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a 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.

DOT/CG 626.

SYSTEM NAME:

Official Officer Service Records. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard(CG),
Commandant (G-PO),
2100 2nd Street, SW,
Washington, DC 20593.

Certain records in the system are maintained at:

National Personnel Records Center,
9700 Page Boulevard,
St. Louis, MO 63132.

Portions of the official service record, e.g., health record, security status jacket and leave record are maintained at the officer's unit.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Commissioned officers of the Coast Guard on active duty, permanent or disability retired lists.

Regular officers whonesign and do not accept a Reserve commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

General file & service record card.

Fitness File & Officer Summary Records.

Medical File.

Medical History for officers on the Temporary Disability Retired List.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Fulfillment of normal administrative procedures including assignment, promotion, training, etc.

Physical Evaluation Boards.

Board for Correction of Military Records.

Answering of Congressional and personal inquiries initiated by the individual whose record is concerned.

Preparation of forms, statements, compilations and computations necessary in the daily personnel administration of each individual entering, reentering or leaving the Coast Guard.

(Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original of this material will be included in the official service record maintained at Coast Guard Headquarters).

Furnishing of information (authorized and specified by the individual concerned) to other agencies or individuals (specified by the individual concerned) normally concerned with employment, educational or veteran's benefits, claims or applications.

Furnishing specified material in an officer's service record pursuant to the order of a court of competent jurisdiction.

Used by:

Authorized Coast Guard Personnel.

Personnel from other Federal Agencies in the conduct of official business, as authorized by the Chief, Officer Personnel Division or his designated representative.

See Prefatory Statement of General Routine Uses, 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper and are assembled and filed in one official service record per member and stored on open shelf files in a room with controlled access.

RETRIEVABILITY:

Individual records are indexed and retrievable by name and/or last four digits of member's service number.

SAFEGUARDS:

During working hours physical access to records is controlled by the Officer Records Branch (G-PO-4).

Records are maintained in a central storage area locked behind two separate doors during non-working hours in the building, which has roving and static security patrols.

RETENTION AND DISPOSAL:

Each individual record is maintained at Coast Guard Headquarters until three months after retirement/resignation, after which it is shipped to the:

National Personnel Records Center (Military Personnel Records),
9700 Page Boulevard,
St. Louis, MO 63132.

After the separation documents are received, records of Reserve Officers released from active duty and Regular Officers who resign and accept Reserve Commissions are sent to the Department of Transportation,

United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Inquiry requests for a determination as to whether this system contains records on an individual should be made by that individual, in person or in writing, to:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Requestors in person will be required to show a valid I.D. card.

Written request must include the member's name, rank, Social Security Number, and period of service.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local activity to which assigned for locally maintained portions of subject records.

Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Personal interview and voluntary submissions by individuals.

Training/Educational Reports.

Fitness Reports.

USCG District Offices and other operating units of the Coast Guard.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 627.

SYSTEM NAME:

Enlisted Recruiting Selection Record System. DOT/CG.

SYSTEM LOCATION:

Primary System:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-P),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are maintained at:

Coast Guard District offices and Coast Guard recruiting offices. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records and correspondence pertaining to prospective applicants, applicants for regular and reserve enlisted programs, and any other individuals who have initiated correspondence pertaining to enlistment in the United States Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records and correspondence in both automated and non-automated forms concerning personal history, education, professional qualifications, mental aptitude, physical qualifications, character and interview appraisals, National Agency Checks and certifications, service performance and congressional or special interests.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the U.S. Coast Guard in the performance of their duties in managing and contributing to the recruitment program of the Coast Guard Reserve.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the management or quality of military recruitment.

The Attorney General of the United States or his authorized representatives in connection with litigation, fraudulent enlistment or other matters under the jurisdiction of such agencies.

Officials and employees of other Departments and agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management or quality of military recruitment.

Officials and employees of the Veterans Administration and Selective Service System in the performance of their official duties related to enlistment and reenlistment eligibility and related benefits.

The Senate or the House of Representatives of the United States or any committee or subcommittee on matters within their jurisdiction requiring disclosure of files or records of personnel covered by this system.

Such contractors and their employees as are or may be operating in accordance with an approved official contract with the U.S. Government.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are stored on magnetic tape.

Paper records are stored in file folders.

RETRIEVABILITY:

Alphabetically by name of subject and social security number.

SAFEGUARDS:

Records are accessible only to authorized personnel within the Coast Guard recruiting organization and are handled with security procedures appropriate for documents marked 'For Official Use Only'.

RETENTION AND DISPOSAL:

Records are normally maintained for two years and then disposed of by multilating, shredding, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Gurad Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting, Commandant (G-CMA) at the address in 'Notification Procedure' or the appropriate local office where the record, or portion there of, is filed.

Prior written notification is required to insure that records will be available at time of visit.

Proof of identity will be required prior to affording access to records. A military identification card, driver's license, or similar document, will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Coast Guard recruiting personnel and administrative staff.

Medical personnel or private physicians providing consultations or patient history.

Character and employer references.

Educational institutions, staff and faculty members.

Selective Service System.

Local, state, and Federal law enforcement agencies.

Prior or current military service records.

Members of Congress.

Other officials and employees of the Coast Guard, Department of Defense and components thereof, in the performance of their duties and as specified by current instructions and regulations promulgated by competent authority.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5, which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualification for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k)(7), which provide, in part, that evaluation material used to determine for promotion in the armed services may be withheld from dis- closure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a 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.

DOT/CG 628.

SYSTEM NAME:

Officer, Enlisted, and Recruiter Selection Test File. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PE),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian or military personnel who have taken the following tests:

U.S. Navy Officer Qualification (OQT).

U.S. Navy and U.S. Marine Corps Aviation Selection (AST).

U.S. Navy Basic Test Battery (BTB) (retests).

The Cooperative Tests for Advanced Electronic Training (AET TESTS).

The 16 Personality Factor Test used for screening of enlisted personnel for recruiting duty.

Professional Examination for Merchant Mariners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card files, answer sheets.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are kept to provide the test results if an applicant (civilian or military) applies for an officer program or is already in military and interested in certain training programs.

Internal users:

Officer Recruiting, Enlisted Recruiting, Enlisted Personnel, Training Programs, Merchant Marine, Commanding Officer, Enlisted Personnel District, Personnel offices, Training Centers and Academy.

Other Government Agencies:

U.S. Navy Recruiting, U.S. Marine Corps, U.S. Navy Bureau of Medicine and Surgery.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, case files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Combination - type safe, locked files.

Test results are given only on a need to know basis to authorized personnel.

Only custodian of safes and alternate custodian have access.

RETENTION AND DISPOSAL:

Test answer sheets are destroyed after 2 years.

Card file - destroyed after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to release of records. A military identification card, driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Individuals concerned and United States Coast Guard recruiting officials.

U.S. Marine Corps officials.

U.S. Navy Recruiting officials.

U.S. Navy Bureau of Medicine Surgery officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (5), which provide, in part, that investigatory material compiled soley for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the pro- visions of 5 USC 552a (k)(7), which provide, in part, that evaluation material used to determine potential for

promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished informaton to the Government under an express promise that the identity of a 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.

DOT/CG 629.

SYSTEM NAME:

Enlisted Personnel Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PE),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments of the system are located at each District office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All enlisted members of the Coast Guard now serving on active duty (including enlisted members of the Reserve on extended active duty), and members who have been temporarily or permanently retired or discharged.

CATEGORIES OF RECORDS IN THE SYSTEM:

Enlisted contract package, record of emergency data, leave records, performance ratings, administrative remarks, medical records.

All other requisite Coast Guard personnel forms, and pertinent miscellaneous correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in formulating all Coast Guard personnel actions including, but not limited to, assignment, promotion, re-enlistment, retirement, discharge, determination of entitlement to pay and allowances, correction of records, and disciplinary actions.

Data is provided to the Veterans Administration for determination of an individual's eligibility for benefits administered by that agency and to medical facilities maintained by the Department of Health, Education and Welfare in conjunction with medical treatment afforded an individual.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in enlisted files record jackets and stored in file cabinets.

RETRIEVABILITY:

Records are retrievable by name of individual or the last three digits of the individual's social security number.

SAFEGUARDS:

Records maintained at Coast Guard Headquarters are located in a central storage area, locked behind two separate doors during non-working hours, in a building with a roving security patrol.

Records at field units are maintained in Government office buildings with off-duty hours security.

During working hours, access to records is controlled by office personnel.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Headquarters until six months after an enlisted member is discharged, permanently retired for physical disability, or retired for years of service, after which records are transmitted for permanent storage to the:

National Personnel Records Center, (Military Personnel Records) GSA,
9700 Page Boulevard,
St. Louis, MO 63132.

In the case of members transferred to the Reserve, their records are sent to Commandant (G-RA-2) after separation documents are received.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW.,
Washington, DC 20593.

Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting, Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit administrative officer for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual, and Coast Guard Officials.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

DOT/CG 630.

SYSTEM NAME:

Coast Guard Family Housing. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-P),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are maintained at:

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian personnel of all pay grades who make application for government and/or government leased housing.

Military personnel who make application in locating community housing, married officers and married E-3 or above (over 2 years service).

Certain government employees occupying government housing.

Military or civilian personnel who have corresponded with the President, a Congressman, or the Commandant concerning family housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants name, pay grade, marital status, current address and dependent information maintained for the Coast Guard Housing Administration Information and Liaison (HAIL) System.

Includes family housing survey; computer data summaries are maintained for the family housing survey.

Copies of correspondence from individual to the President, a Congressman or the Commandant, inquiry sheets, and replies maintained for Congressional correspondence files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by authorized Coast Guard employees in performance of their duties in placing the applicant in government owned or leased housing or community housing.

Assessing housing needs of District and Headquarters Units.

Answering inquiries from individuals, Congressmen or the Commandant concerning family housing.

Preparing budgets.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By name of individual, Coast Guard District and date received.

SAFEGUARDS:

Records are maintained in locked file cabinets and desk file drawers.

RETENTION AND DISPOSAL:

Records are maintained until the applicant is placed in housing and then destroyed.

Records concerning Congressional correspondence are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel, Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office. See address in Appendix I.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from applicants, individuals who complete family housing survey forms, initiate correspondence concerning family housing and Coast Guard Officials.

DOT/CG 632.

SYSTEM NAME:

Uniformed Services Identification and Privilege Card Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dependents of U.S. Coast Guard personnel (active, retired, reserve and deceased).

Former Coast Guard personnel who have been rated by the Veterans Administration as one-hundred percent disabled and their eligible dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for Uniformed Service Identification and Privilege Card (DD-1172).

Verification for eligibility to possess the Identification and Privilege Cards (DD-1173).

Pertinent miscellaneous correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard employees to verify that applicant is entitled to be issued an Identification and Privilege Card.

Verification provided to other Armed Forces authorized personnel as required.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Alphabetical by name.

SAFEGUARDS:

Maintained in file cabinets. During working hours access to records is controlled by office personnel. During non-working hours building is patrolled by roving security guards.

RETENTION AND DISPOSAL:

Retained for 10 years after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must contain, full name, social security number (SSN) and be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to, or visiting, Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is supplied by the sponsor and/or his dependents.

DOT/CG 633.

SYSTEM NAME:

Coast Guard Civilian Personnel Security Program. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-PS/6), 2100 2nd Street, SW, Washington, DC 20593.

Decentralized segments are located at:

Each District Office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Coast Guard Civilian Personnel.

Applicants for civilian positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of civilian security clearance granted. Correspondence and requests concerning civilian personnel security actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in determining eligibility for access to classified information under Executive Order 11652 and suitability for sensitive positions.

Categories of users include use by Coast Guard employees in performance of official duties and use by investigative agents of other federal agencies.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder - 3x5 Index cards.

RETRIEVABILITY:

Records are retrieved by name of individual.

SAFEGUARDS:

Records are kept in locked cabinets and safes. Individual identification is required for users of records.

RETENTION AND DISPOSAL:

Upon termination of employment investigative files for civilians, which serve as a basis for security clearances, are returned to the Civil Service Commission.

A name record of type of investigation is kept for 5 years and then destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel, Department of Transportation, United States Coast Guard Headquartetrs, 2100 2nd Street, SW, Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, SW, Washington, DC 20593.

Written request must be signed by the individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local office or unit. See addresses in Appendix I.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Civilian Personnel:

Civil Service Investigative Reports, Personnel Security Clearance requests and forms SF-85, SF-86 and SF-171.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k)(5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of a 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.

DOT/CG 635.

SYSTEM NAME:

Coast Guard Mutual Assistance. DOT/USCG.

SYSTEM LOCATION:

Department of Transportation (DOT), United States Coast Guard (CG), Commandant (G-PS-3), 2100 2nd Street, SW, Washington, DC 20593.

Decentralized segments are located at:

Each District Office or Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted military personnel (active duty and retired) and dependents.

Officer personnel (active duty and retired) and dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card Index.

Loan applications forms filed by month.

Educational loan file.

Organization financial records.

Bad debts listing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard officials in approving loan and grant applications.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Index boxes and file folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Maintained in separate correspondence files.

All correspondence regarding an applicant is considered priviledged and personnel are screened prior to access.

No loan records or correspondence are placed in service record of individual.

Periodic inspections are performed.

RETENTION AND DISPOSAL:

Administrative and financial data relating to CG Mutual Assistance Cases are disposed of four years after date of last transaction.

All other records and correspondence are disposed of after four years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written requests must be signed by individual whose record is being requested. Give date and place assistance is believed to have been received.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District office or unit for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Individual requesting loan or grant.

DOT/CG 636.

SYSTEM NAME:

Personal Affairs Record System Coast Guard Military Personnel. DOT/CG.

SYSTEM LOCATION:

Department of Transportaion (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments at:

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard military personnel who have been subject to damage arising out of domestic relations disputes, alleged personal indebtedness, and claims of alleged paternity.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing complaint concerning alleged personal indebtedness, complaints arising out of domestic relations disputes, claims of alleged paternity.

Files contain correspondence including investigative steps, response to complaints and follow up correspondence on recurring complaints. Index card files contain summary of material contained in case file for each reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in attempting to resolve complaints in an expeditious manner.

For reference in development of future policy.

Information is used by:

Authorized Coast Guard employees in performance of the duties.

Complainant and/or authorized representatives.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case file and card index file.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Kept in locked filing cabinet.

Personnel are screened prior to granting access.

RETENTION AND DISPOSAL:

Maintained for 5 years after action completed and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written requests must be signed by the individual whose record is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District Office or unit for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from complainants, their legal representatives and Coast Guard officials.

DOT/CG 637.

SYSTEM NAME:

Appointment of Trustee or Guardian for Mentally Incompetent Personnel. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard
Headquarters (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are located at:

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing information relating to the mental incompetency of certain Coast Guard personnel.

Records used to assist Coast Guard Officials in appointing trustees for mentally incompetent Coast Guard persons.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Authorized Coast Guard employees in performance of their duties, prospective appointees, including but not limited to relatives, lawyers, physicians or other designated respresentatives.

Veterans Administration upon request for the determination of eligibility for benefits administered by that agency.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked file cabinet.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Stored in locked file cabinets.

Acess restricted to representatives of incompetent.

Identification required, such as, a military identification card, valid state driver's license, or other picture identification card.

RETENTION AND DISPOSAL:

Maintained for 5 years after action is completed then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW.,
Washington, DC 20593.

Written request must be signed by trustee or guardian.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District office or unit having custody of the records. See Appendix I for addresses.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Coast Guard officials, legal representatives of individuals and/or individuals concerned, and complainants.

DOT/CG 638.

SYSTEM NAME:

Drug and Alcohol Abuse Prevention Program Record System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

All Coast Guard units have portions of duplicate case folders on individuals involved in the program. See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty Coast Guard officers, enlisted personnel and reserve personnel.

Retired and separated Coast Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Annotations on file cards of drug abuse, drug exemptions, drug rehabilitation, alcohol rehabilitation and waiver for enlistment in the Coast Guard cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to:

Determine extent of drug and alcohol problem in the Coast Guard.

To evaluate program effectiveness.

Maintain the integrity of the Coast Guard drug exemption program by authorized Coast Guard employees in performance of their official duties.

Assist the U.S. Navy Department in consonance with inpatient treatment at Navy Rehabilitation Centers.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on file cards (5'x8') and message file.

RETRIEVABILITY:

File cards are indexed by name; message file by date/time group.

SAFEGUARDS:

Files are stamped 'For Official Use Only' and maintained in locked filing cabinet.

RETENTION AND DISPOSAL:

Disposal schedules are under development and will be in accord with disposal schedules of the Military Personnel Record System.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which an individual's duty station is located. See Appendix I for addresses.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Reports of drug exemption.

Reports of civil and military offenses involving drugs or alcohol.

Reports of Coast Guard Intelligence Investigation.

Recommendation for inpatient drug or alcohol rehabilitation.

From individual personnel, medical, and security records.

DOT/CG 639.

SYSTEM NAME:

Request for Remission of Indebtedness. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.

Decentralized segments are located at:

Each District and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Enlisted Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing correspondence, requests with endorsements, research material, paneling action, Commandant's decisions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use in making determinations based on the best interests of the individual and the Government.

Categories of users are Coast Guard Officials in performance of their official duties.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked filing cabinets.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Locked filing cabinets.

RETENTION AND DISPOSAL:

Retained for 5 years after decision is made, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit for the area in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from individual and Coast Guard Officials.

DOT/CG 640.

SYSTEM NAME:

Outside Employment of Active Duty Coast Guard Personnel. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-PS),
2100 2nd Street, SW,
Washington, DC 20593.
Decentralized segments are located at:

Each District Office and Headquarters Unit. See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty and Reserve Coast Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence relating to individual's request for part time employment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For use by Coast Guard officials in determining in questionable cases whether an individual should hold a particular job or position. Both the legality and the propriety of the request are considered.

See Prefatory Statement of General Routine Uses; 3 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked filing cabinet.

RETRIEVABILITY:

Alphabetical listing.

SAFEGUARDS:

Kept in locked filing cabinet.
Access restricted to individuals who request outside employment, and authorized Coast Guard officials.
Proper identification is required.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Personnel,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual whose record(s) is being requested.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above or the local Coast Guard District Office or unit for the area in which an individual's duty station is located. See addresses in Appendix I.

Proof of identity will be required, prior to affording an individual access to records. A military identification card, a driver's license or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and Coast Guard officials.

DOT/CG 671.

SYSTEM NAME:

Biographical Statement. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-B),
2100 2nd Street, SW,
Washington, DC 20593.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Key DOT officials, USCG officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual biographical data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Public Affairs Staff - uses records for publicity.

Personnel Office - uses records for promotion.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms and correspondence are stored in filing cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Personnel are screened prior to granting access.

Stored in building having roving security guards during non-working hours.

RETENTION AND DISPOSAL:

Transferred to historical file upon termination of active duty.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Boating, Public and Consumer Affairs.
Department of Transportation,
U. S. Coast Guard Headquarters
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593. Written request must be signed by individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure.'

Proof of identity will be required prior to granting access. A military identification card, drivers license, or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Individual named in file.

DOT/CG 676.

SYSTEM NAME:

Official Coast Guard Reserve Service Record. DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-RA),
2100 2nd Street, SW,
Washington, DC 20593. For official records on discharged, retired, and separated former members:
General Services Administration (GSA),
National Personnel Records Center (Military Personnel Records),
9700 Page Boulevard,
St. Louis, MO 63132.
Decentralized segments are located at:
Each Coast Guard District Reserve office (for District records).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officer and enlisted personnel (not on extended active duty) in an active, inactive, retired, discharged, separated or former member status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive reserve service.

Enrolled and disenrolled members of the Temporary Coast Guard Reserve.

CATEGORIES OF RECORDS IN THE SYSTEM:

Official career history of each Reservist including (as applicable):
Enlistment contract or Oath of Office.
Record of Emergency Data.
Training Courses/Educational achievements.
Rate/Grade/Rating qualifications.
Leave record.
Performance of duty marks/fitness reports.
Medals and commendations.
Record of sea duty/duty outside continental United States.
Statements of creditable and former service (including pay base date).
Statements and computations of retirement points.
Official orders.
Correspondence pertaining to any/all of the above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Fulfilment of normal administrative personnel procedures, including examining and screening for completeness and accuracy of records and correspondence pertaining thereto.

Screening of service records for advancement, promotion, or retention of individual Reservists by various Reserve Boards.

Answering of Congressional and personal inquiries initiated by the individual whose record is concerned.

Preparation of forms, statements, compilations and computations necessary in the daily personnel administration of each individual entering, reentering or leaving the Coast Guard Reserve. Routine personnel administration requires copies of this and other service record material to be included in administrative files physically separated from the record; however, the original copy of this material will be included in the official service record maintained at Coast Guard Headquarters.

Furnishing of information (authorized and specified by the individual concerned) to other agencies or individuals (specified by the individual concerned) normally concerned with employment, educational or Veterans benefits, claims, or applications.

Furnishing specified material in a Reservist's service record pursuant to the order of a court of competent jurisdiction.

Used by:

Individual upon whom records are kept (personal review).

File clerks and personnel from the Office of Reserve, Administration, Training, and Programs Divisions in the normal performance of their duties.

Other personnel within the Coast Guard in the normal performance of their duties, as authorized by the Chief, Reserve Administration Division or his designated representative.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper assembled and filed in one official service record per member.

RETRIEVABILITY:

Individual Service Records are indexed and retrievable by name and/or triple terminal digit of member's service number.

SAFEGUARDS:

Service records are maintained in a central storage area locked behind two separate doors.

During non-working hours the building security consists of roving and static security patrols.

During working hours physical access to records is controlled by Records Control Branch personnel.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Headquarters until six months after an enlisted member's separation from the service (three months for officers), after which it is transmitted for permanent storage to the:

Military Personnel Record Center (MPRC)

National Personnel Records Center (NPRC),

9700 Page Boulevard,

St. Louis, MO 63132.

In the case of retired members, the service record is shipped to NPRC upon retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Reserve (G-R),
Department of Transportation,
United States Coast Guard
Headquarters,
2100 2nd Street SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Inquiry requests for determination whether this system contains records on an individual should be made by that individual, in person or in writing to:

Department of Transportation,
united States Cost Guard
Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written requests must be signed by the individual and must include the member's name, social security number and/or reserve number.

RECORD ACCESS PROCEDURES:

Procedures for access may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the District Office in which an individual's duty station is located.

Proof of identity will be required prior to affording an individual access (may consist of a military identification, driver's license, or other suitable identification.)

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information contained in a member's service record is obtained from the individual concerned, CG Headquarters, District offices and other CG units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a(k) (5), which provide, in part, that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552a (k) (7), which provides, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

Portions of this system of records may be exempt from disclosure under the provisions of 5 USC 552 (k) (6), which provides, in part, that testing or examination material used soley to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness of the testing or examination process.

DOT/CG 677.

SYSTEM NAME:

Coast Guard Reserve Personnel Mobilization System. DOT/CG.

SYSTEM LOCATION:

Department of Transportation, (DOT),
United States Coast Guard (CG),
Commandant (G-RP),
2100 2nd Street, SW,
Washington, DC 20593.

Commander Reserve in each Coast Guard District Office (except 17th).

Each District and Headquarters Unit.

See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officer and enlisted personnel (not on extended active duty) in an Active or Retired status; including those Reservists released from extended active duty to fulfill a specified term of obligated inactive Reserve service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mobilization and qualification cards and orders.

Initial, Annual, and Retired Screening and Qualification Questionaires.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Fulfillment of normal administrative procedures including the examining and screening for completeness and accuracy of records, correspondence pertaining thereto as a basis for assignment to active duty for training; special active duty for training or extended active duty and mobilization billets.

Users of these Records are Coast Guard employees in performance of official duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records maintained on paper, punched cards and magnetic tape

RETRIEVABILITY:

Individual Reservists are indexed by name and/or social security account number.

SAFEGUARDS:

Safeguards and controls afforded this system of records are similar to those normally employed 'For Official Use Only' material, both at Headquarters and District Offices.

Records are maintained in locked secure areas when not in use and personnel screening is employed prior to granting access.

RETENTION AND DISPOSAL:

Individual records are maintained at CG Districts and at Headquarters throughout the members active Reserve status and during any period in a Retired Status thereafter (as applicable, and for as long as that member is considered a mobilizable resource).

A 'dead file' is often maintained for those Reservists transferred, discharged, or otherwise separated (this procedure varies from District to District.)

The majority of records in this system (in any form) are generally destroyed immediately after the expiration of their useful life, except those retained in the aforementioned 'dead files' (which are subsequently destroyed one year after placement in the file). The major exceptions to this policy are the Screening and Qualification Questionaires, which are filed in the Reservists District Service Record.

Records are destroyed by mutilating, shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Reserve (G-R),
Department of Transportation,
United States Coast Guard Headquarters
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.

Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Individual should contact Commandant (G-CMA) in person or in writing at the address in 'Notification Procedure'.

For records maintained at the District, individual should contact the Commander (r) at the District to which the individual is assigned. Refer to Appendix I for addresses.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information contained in this system of records is obtained from the following

sources: the individual himself, CG Headquarters, and CG District Offices.

DOT/CG 678.

SYSTEM NAME:

Reserve Personnel Management Information System (Automated).

SYSTEM LOCATION:

Department of Transportation (DOT)
United States Coast Guard (CG)
Commandant (G-RA)
2100 2nd Street, S. W.
Washington, DC 20593

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Reserve officers and enlisted personnel in an active or inactive status, including retired reservist, and those reservists released from extended active duty to fulfill a specific term of inactive obligated service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Included in RPMIS are the following data concerning each Coast Guard Reservist in this system which are necessary to administer the Coast Guard program: name, social security number, present and last five grades or rates, educational background, civilian and military, foreign language and proficiency, history of unit assignments and dates assigned, duty status, date of birth, date of enlistment, appointment or extension, AFQT scores, source of entry, date of commission, prior service, date of expiration of obligation, anniversary data on pay base date, aviation pay and administrative pay, training rating, reserve category and class, training/pay category, data on ADT for last five years, number of dependents, Federal withholding exemptions, Selective Service induction certification, date of completion of Ready obligation, officer experience indicator, last screening date and result, civilian occupation, date of last National Agency Check, Background Investigation and security clearance, domestic emergency volunteer, date of last physical and immunization, data on special active duty for training and extended active duty, annual training date, total retirement points and satisfactory years of service for retirement purpose, current year retirement point accounting data, including inactive duty training participation, correspondence course activity, taxable wages paid and withholdings, uniform allowances, Servicemens Group Life Insurance (SGLI) information, mailing address, and work and home phone number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The RPMIS is used for the personnel administration of individual reservists and the overall management of the reserve program. See prefatory Statement of General Routine Uses. The Master Personnel File provides status and qualification listings, expiration of enlistment and physical reports, strength management reports, unit and district roster, and advancement and promotion reports. The Pay and Point File provides point count statements, budgeting reports, inactive duty and active duty pay, and retirement eligibility listings. The addresses of individual reservists are used for mailing paychecks, earning statements, 'The Reservist', and Annual Screening Questionnaires. Records in this system are routinely disclosed to the Treasury Department to complete payroll checks. Used by: Authorized personnel from the Office of Reserve and the Office of the Comptroller, authorized personnel on the staff of the various district commanders in the normal performance of their official duties, the Deputy Assistant Secretary of Defense for Manpower, Logistics and Reserve Affairs and others as authorized by Chief, Office of Reserve or his representative.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The storage is on computer disks with magnetic tape backups. The file is updated weekly.

RETRIEVABILITY:

Individual records in the system are retrieved by Social Security Number.

SAFEGUARDS:

Magnetic tapes are stored in locked storage areas when not in use and are accounted for at all times during actual use. Personnel screening is employed prior to granting access.

RETENTION AND DISPOSAL:

Magnetic tapes are used, corrected and updated until the tapes become physically deteriorated after which they are destroyed. A reservist's address is maintained on file for approximately one year after dis- charge, to allow for processing of annual point statements and W-2 forms. Audit trails are maintained indefinitely and the Master Personnel file and Pay and Points file are continually updated.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Reserve, Department of Transportation, United States Coast Guard Headquarters, Commandant (G-R), 2100 2nd Street, S.W., Washington, DC 20593.

NOTIFICATION PROCEDURE:

Requests to determine if this system contains information on any individual should be made in person or in writing to: Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA), 2100 2nd Street, S.W., Washington, DC 20593. Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures for access to records may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedures'. Prior written notification of personal visit will insure that the record will be available at the time of visit. Proof of identity will be required prior to release of records. A military identification or similar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from the individual, Coast Guard Headquarters and district offices, and the various operating units of the Coast Guard.

DOT/CG 686.

SYSTEM NAME:

Coast Guard Motor Vehicle Operator Permit, DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT).
United States Coast Guard (CG).
System is maintained at: District and Headquarters Unit Safety Offices.
See Appendix I for locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensed Coast Guard employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Statement of driving history and drive test results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized Coast Guard Officials for licensing Coast Guard employees to enable them to drive on Coast Guard property.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Applications (CG 3308) are stored in file cabinets.

RETRIEVABILITY:

Retrieved by name/service number.

SAFEGUARDS:

Locked files.

RETENTION AND DISPOSAL:

5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Safety Programs Division,
Department of Tranportation,
U.S. Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Contact:
Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written request must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' or the local Coast Guard District or unit office for the area in which duty station is located.

Proof of identity will be required prior to granting access. A military identification card, driver's license or similiar document is considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Individual submission, accident experience, and driver's examination.

DOT/CG 691.

SYSTEM NAME:

Master Chief Petty Officer of the Coast Guard Individual Grievance and Correspondence File, DOT/CG.

SYSTEM LOCATION:

Department of Transportation (DOT),
United States Coast Guard (CG),
Commandant (G-CMCPO),
2100 2nd Street, SW,
Washington, DC 20593.
System is also maintained at:
Each District and Headquarters Unit which has a Senior Enlisted Advisor assigned. See Appendix I for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted Coast Guard Personnel who have filed a grievance or requested information through the Master Chief Petty Officer of the Coast Guard (at Headquarters) or the Senior Enlisted Advisors at field units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and other related information compiled during the process of resolving alleged grievance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Master Chief Petty Officer, Commandant/Vice Commandant, Special Assistant, Administrative Aide and other authorized officials, to resolve enlisted personnel problems and inquiries.

See Prefatory Statement of General Routine Uses; 2 through 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in locked file cabinet.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked room and file cabinets.
Screening of personnel prior to granting access.

RETENTION AND DISPOSAL:

Kept until individual is discharged or retired at which time the records are destroyed by mutilating, shredding and burning.

SYSTEM MANAGER(S) AND ADDRESS:

Master Chief Petty Officer of the Coast Guard,
Department of Transportation,
United States Coast Guard Headquarters,
2100 2nd Street, SW,
Washington, DC 20593.

NOTIFICATION PROCEDURE:

Department of Transportation,
United States Coast Guard Headquarters,
Commandant (G-CMA),
2100 2nd Street, SW,
Washington, DC 20593.
Written requests must be signed by the individual.

RECORD ACCESS PROCEDURES:

Procedures may be obtained by writing to or visiting Commandant (G-CMA) at the address in 'Notification Procedure' above or the local activity where the complaint was filed. See Appendix I for addresses.

Prior written notification of personnel visits is required to insure that the records will be available at the time of visit.

Proof of identity will be required prior to release of records. A military identification card, driver's license or similiar document will be considered suitable identification.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information received from individuals and Coast Guard Units.

DOT/FAA 800.

SYSTEM NAME:

Aviation Medical Certification System DOT/FAA.

SYSTEM LOCATION:

Records are located at:
Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.
Regional Flight Surgeon in all regional headquarters.
and at the
Office of Aviation Medicine,
Aeromedical Standards Division,
800 Independence Avenue, SW,
Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current certificated airmen, airmen whose certificates have expired, airmen rejected for medical certification, airmen with special certification, airmen who are deceased and others requiring medical certification.

Controllers in Centers, Terminals and Flight Service Stations, and applicants for these positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a variety of records that are required to determine the physical condition of an individual with respect to the medical standards established by the FAA.

These files contain medical examinations by an Aviation Medical Examiner, X-Rays, EKG's, lab reports, hospital records, treating or examining physician reports, consultant reports, copies of correspondence, worksheets, summaries, petitions for review by the National Transportation Safety Board, medical exemption records, letters of appeals for exemptions, medical history tapes, microfilm EKG's, and computer listings.

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 may be used:

By agency officials and consultants for the purpose of determining eligibility for airmen medical certification.

By agency officials and consultants for purposes of review in connection with (1) airman requests for exemption from medical requirements or (2) petitions for review of certificate denials.

By agency officials and consultants in connection with the hiring and retention of employees.

To provide data for the Automated Medical Certification data base.

To provide data for the Automated Comprehensive Airman Information System (CAIS).

To provide statistical reports for internal use, to Congress, other Federal agencies and the public on the characteristics of the pilot population.

To provide information for Federal, State, and local agencies maintaining civil, criminal or other relevant information or other pertinent operational purposes, such as validating airman qualification, by supplying relevant information to an agency concerning the hiring or retention of an employee or the issuance of a grant or other benefit.

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.

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.

To respond to general requests for statistical information under the Freedom of Information Act, or to locate specific individuals for a variety of personnel management functions.

To provide data to the Automated Medical History tape system.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cabinets, magnetic disk, tape files, and microfiche.

RETRIEVABILITY:

Records are indexed by name, date of birth, and sex - Special cases are indexed and retrieved by pathological number.

SAFEGUARDS:

Records are maintained in steel file cabinets and electrievers which are locked when not in use.

All files are maintained in a secured work room limited to those whose duties require access.

Magnetic disks and tapes are maintained in secured computer center. When not in use, tapes are stored in fire proof tape library within the center; punch cards and microfiche are stored in steel file cabinets and tub files in work area.

RETENTION AND DISPOSAL:

Medical examination clear paper records are destroyed after microfilming is determined to be an adequate substitute for paper records. Microfilm records are destroyed after 30 years. Medical examination pathological inactive paper records prior to 1973 are transferred to the Federal Records Center 5 years after the case file is closed and destroyed by the FRC after 50 years. Pathological active paper records since 1973 are destroyed after microfilming is determined to be an adequate substitute for paper records. Microfilm records are destroyed 50 years after the record becomes inactive. The last examination record is retained on magnetic disk and tape. As a new record is received, the oldest record is put onto the history tape file. Magnetic tapes are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Records from Master Files:

Chief, Aeromedical Certification Branch,

Aeronautical Center,

Oklahoma City, OK 73125.

Records from Regional Files: Regional Flight Surgeon within Region where examination was conducted.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,

800 Independence Avenue, SW,

Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from Aviation Medical Examiners, individuals themselves, consultants, hospitals, treating or examining physicians, other government agencies, tests taken by individual, special studies such as blood test, and in some rare cases, records supplied by other persons or agencies.

DOT/FAA 801.

SYSTEM NAME:

Aircraft Registration System DOT/FAA.

SYSTEM LOCATION:

Aircraft Registration Branch,

Aeronautical Center,

Oklahoma City, OK 73125.

Portions of these records are located in:

General Aviation District Offices (GADO's).

Air Carrier District Offices (ACDO's).

Flight Standards District Offices (FSDO's).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system identifies aircraft owners, partners, corporations, lien holders, operators, and lessees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of a series of records that identify:

Aircraft types.

Current certification status and ownership of registered aircraft.

Aircraft to be registered, or aircraft that have been registered and are now temporarily deregistered.

These records contain information about:

N - Number assignment.

Airworthiness of aircraft.

Bills of sale.

Appications for certification of amateur aircraft.

Major repairs and alterations maintenance inspection forms.

Revalidation and use forms.

Lien and collateral documents.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine that aircraft are registered in accordance with the provisions of the Federal Aviation Act of 1958.

To support investigative efforts of investigation and law enforcement

agencies of Federal, State, and foreign governments.

To serve as a repository of legal documents used by individuals and title search companies to determine the legal ownership of an aircraft.

To provide aircraft owners and operators information about potential mechanical defects or unsafe conditions of their aircraft in the form of airworthiness directives.

To provide supporting information in court cases concerning liability of individual in law suits.

To serve as a data source for management information for production of summary descriptive statistics and analytical studies in support of agency functions for which the records are collected and maintained.

To respond to general requests from the aviation community or the public for statistical information under the Freedom of Information Act or to locate specific individuals or specific aircraft for accident investigation, violation, or other safety related requirements.

To provide data for the automated aircraft registration master file.

To provide documents for microfiche backup records.

To provide data for development of the aircraft registration statistical system.

To prepare an Aircraft Registry in magnetic tape and microfiche form required by ICAO agreement containing information on aircraft owners by name, address, N-Number, type of aircraft, used for internal FAA safety program purposes and also available to the public (individuals, aviation organizations, direct mail advertisers, State and local governments, etc.) upon payment of user chargers reimbursing the Federal Government for its costs.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, punch cards, and on microfiche.

RETRIEVABILITY:

Records are filed by registration number, but may be retrieved by name of the current individual aircraft owners.

SAFEGUARDS:

Records are stored in open shelves in a room that is open only to authorized employees and by special permission.

Magnetic tapes are maintained in secure data processing area accessed by pass only.

Backup copies of microfiche are kept in a fire proof vault and storage room.

RETENTION AND DISPOSAL:

If records are microfilmed: (1) Original Records. Destroy original records after microfilm is determined to be an adequate substitute for paper records; (2) Microfilm of Original Records. Destroy when it is determined that the aircraft is no longer in existence.

If records are not microfilmed: Destroy when it is determined that the aircraft is no longer in existence.

SYSTEM MANAGER(S) AND ADDRESS:

For official agency records, contact:
Chief, Aircraft Registration Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

Chief of the nearest GADO, ACDO, or FSDO.

NOTIFICATION PROCEDURE:

Individual owners of currently registered aircraft who wish to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individual owners of currently registered aircraft who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is collected from individuals, manufacturers of aircraft, maintenance inspectors, mechanics, and FAA officials.

DOT/FAA 802.

SYSTEM NAME:

Airman Certification System DOT/FAA.

SYSTEM LOCATION:

Airman Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

Copies or temporary files are maintained in the originating General Aviation District Office (GADO), Air Carrier District Office (ACDO), or Flight Standards District Office (FSDO) until required action or certification is completed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals seeking to be certified, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, airmen who have had certificate revoked, and flight attendants engaged in international air transport.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for certification; written examination, application for written examination, results of written test, application for inspection authority, certificates held, ratings, stop orders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine that airmen are certified in accordance with the provisions of the Federal Aviation Act of 1958.

Repository of documents used by individual and potential employers to determine validity of airmen qualifications.

To support investigative efforts of investigation and law enforcement agencies of Federal, State, and local governments.

Supporting information in court cases concerning individual status and/or qualifications in law suits.

To provide data for the Comprehensive Airman Information System (CAIS).

To provide documents for microfilm and microfiche backup records.

To prepare an Airman Directory in magnetic tape and paper form containing information on airmen by name, address, and certificate status, used for internal FAA safety program purposes and also available to the public (individuals, aviation organizations, direct mail advertisers, State and local governments, etc.) upon payment of user chargers reimbursing the Federal Government for its costs.

To verify U.S. citizenship, certify qualified applicants, and provide them with a crew member certificate to be used in lieu of a passport in International Civil Aviation Organization member countries.

To answer inquiries regarding crew member certification.

The U.S. Department of State uses these applications and any supporting documents to verify U.S. citizenship.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in microfilm, microfiche, magnetic disk, magnetic tape, file folders, and notebook listings.

RETRIEVABILITY:

Records are maintained in alphabetic order cross referenced with social security number and airman number.

SAFEGUARDS:

Records are stored in a data processing facility.

Data are retrieved via a terminal, which requires operation numbers and individual passwords.

Accessible only to limited numbers of authorized persons.

Backup microfilm and microfiche are kept in locked vault.

RETENTION AND DISPOSAL:

Source documents are destroyed after being microfilmed and key punched.

Magnetic tapes and disks are being continually updated, destruction is not authorized.

Source document crew member certifications are in storage at the Fort Worth Federal Records Center, destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

For official FAA Certification Records, contact:

Chief, Airman Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125 or request assistance from the originating GADO, ACDO, or FSDO.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains. Written test scores are derived from answers given by individuals. Action filed by FAA personnel.

DOT/FAA 803.

SYSTEM NAME:

General Aviation Medical Accident System DOT/FAA.

SYSTEM LOCATION:

Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.
Biomedical and Behavioral Sciences Division,
Office of Aviation Medicine,
800 Independence Avenue, SW,
Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pilots involved in all general aviation aircraft accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of fatal accidents, autopsies, toxological studies, AME's reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents, psychological autopsy, and consulting pathologist summary of findings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify and monitor airman having accidents or incidents, analyze medical data for regulatory purposes, research studies of causes of accidents, promote aviation safety.

Data are supplied to the National Transportation Safety Board (NTSB) under requirements of FAA accident investigation authority delegated to it by the Board.

Supporting information in court cases concerning individual medical fitness or medical mishap that may or may not relate to the cause of the accident.

Repository of legal documents that relate to individual's physical status or condition used to determine statistically the validity of FAA Medical Standards.

As a data source for management information for producing summary descriptive statistics and analytical studies in support of agency functions for which the records are collected.

Used in developing professional papers that are distributed to various aviation and medical groups for evaluation and study.

To inform the aviation community of medical findings related to flight safety.

To provide data for the automated Medical Accident System.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, punch cards, magnetic tape, and computer listings.

RETRIEVABILITY:

Records are filed by accident number cross referenced by name of pilot.

Computer listings are maintained in name order.

Magnetic tapes are in accident number order and are cross referenced by name.

Records are quite often retrieved by name.

SAFEGUARDS:

Records are stored in lockable file cabinet in secured work area.

Computer listings are maintained in metal file drawers in secured area.

Magnetic tape is retained in a secured automatic data processing facility.

RETENTION AND DISPOSAL:

Records of fatal accidents are transferred to Fort Worth Federal Records Center when 5 years old and destroyed when 25 years old.

Accident name cards are destroyed when 50 years old.

Magnetic tape record - destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

For official medical accidents records, contact:

Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Individuals wishing to see their records may appear in person or submit in writing a request identifying records desired. For identification an individual must submit his or her name, date of birth, sex, social security number or Airman number. Letter should be addressed to:

Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

RECORD ACCESS PROCEDURES:

Individuals who desire to access information about themselves in the system records should contact or address their inquiries to:

Chief, Aeromedical Certification Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from aviation medical examiners (AME), pathologists, accident investigation medical laboratories, law enforcement officials, and FAA employees.

DOT/FAA 804.

SYSTEM NAME:

General Aviation Aircraft Accident System (GAADS) DOT/FAA.

SYSTEM LOCATION:

This system is a computerized record maintained by the:
Safety Data Branch,
Flight Standards National Field Office,
P. O. Box 25802
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Crewmembers involved in aircraft accidents and incidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

NTSB reports of aviation accident investigations, NTSP Form 6120.19 for preliminary reports and NTSB Form 6120.4 for final reports; and FAA reports of aviation accident investigations, FAA Form 80205. Data elements which are maintained in the computer for final reports of events include the crewmember certificate number and event case number. In addition, crewmember names are maintained temporarily for preliminary data, until the report becomes final.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify and monitor airman involved in accidents. To analyze facts surrounding accidents to determine whether or not FAA regulations have been violated for FAA enforcement actions and certifications.

To supply data to the National Transportation Safety Board (NTSB) as required by the delegated authority for accident investigation from the Board.

As a source of discriptive statistical data in analytical studies in support of agency functions.

Used in the development of professional papers that are distributed to various aviation organizations and the general public as required.

To provide data for the Automated Comprehensive Airman Information System (CAIS).

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic tapes, in file folders, and on magnetic disk on a commercial timesharing computer.

RETRIEVABILITY:

Data are retrieved by name, date of birth and sex, social security numbers, airman numbers, and accident number.

SAFEGUARDS:

Magnetic disk and magnetic tape - data can only be retrieved by computer operators with access codes.

File folders are maintained in a secured work area - files when not in use are kept in locked cabinets accessible to persons with a need to know.

RETENTION AND DISPOSAL:

Hard copy input files are destroyed after 3 to 5 years by shredding the documents.

Magnetic tapes are updated monthly, records retained up to 10 years, magnetic disk updated continuously.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Safety Data Branch, AFO 580.
Flight Standards National Field Office,
P. O. Box 25032
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Data are collected from individuals, manufacturers of aircraft, maintenance inspectors, accident investigators, witnesses to accident, and involved passengers.

DOT/FAA 805.

SYSTEM NAME:

Administrative Action and Legal Enforcement System DOT/FAA.

SYSTEM LOCATION:

Portions of this system are maintained in the:
Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.
and the:
Safety Data Branch,
Aeronautical Center,
Oklahoma City, OK 73125.

Originals and copies of some records are maintained in field offices and Flight Standards and Regional Counsel's offices in the Region of occurrence.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in this system are on individuals against whom FAA has taken administrative action or legal enforcement action for violation of certain Federal Aviation Regulations.

Individuals or companies holding Federal Aviation Administration certificates.

Persons charged with violating FAA regulations.

Persons allegedly violating FAA regulations.

Applicants who have been denied airman medical certificates.

Persons denied certificates or allegedly violating FAA regulations who have appealed to the National Transportation Safety Board (NTSB) or the courts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Safety Compliance Notices.

Letters of Reprimand.

Letters of Correction.

Final action legal documents in enforcement cases.

Enforcement and airman medical denial cases on appeal to NTSB.

Summary of violation reports and enforcement actions.

Correspondence of Regional Counsels in enforcement cases.

Violation reports on alleged FAA certificate violations other than medical certificates. These reports include certificate number and/or social security numbers of alleged violators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records relating to final legal enforcement and administrative actions are disclosed, upon request, to members of the public and other government agencies.

Disclosed to the Department of Justice and the NTSB.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in file cabinets and on magnetic tape.

RETRIEVABILITY:

Records in this system are filed chronologically and cross indexed alphabetically by name.

SAFEGUARDS:

Records are kept in lockable file cabinets. Magnetic tape is kept in a secured data processing facility.

RETENTION AND DISPOSAL:

Aeronautical Center records are transferred to the Federal Records Center after 6 years where they are destroyed after 4 years.

Washington records are sent to the Federal Records Center when the case is closed where general aviation cases are destroyed after 1 year and Air Carrier cases are destroyed after 2 years.

Monthly ADP printouts are destroyed each month. Annual printouts are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

For official agency legal enforcement action records:

Regional counsel and Flight Standards offices in the region of occurrence or the chief of the field office that made the charge maintain selected records.

For violation history and administrative action records:

Chief, Safety Data Branch,

Aeronautical Center,

Oklahoma City, OK 73125 and Flight Standard office and Regional Counsel in the region of occurrence.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,

800 Independence Avenue, SW,

Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Regional counsel, NTSB, Flight Standards personnel, Aeronautical Center personnel, Office of Chief Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

System is exempt from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory materials compiled for law enforcement purposes. Disclosure of such material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions. The exemption rule may be found on page 49887 of the Friday, October 24, 1975, issue of the Federal Register.

DOT/FAA 806.

SYSTEM NAME:

Federal Aviation Administration Employee Payable System DOT/FAA.

SYSTEM LOCATION:

Financial Systems and Accounting Operations Divisions, Washington, D.C., Central Payroll Operations Facility, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma, and each region and center accounting division. Working copies of certain of these records are held by the organizations employing the personnel and at emergency operations facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Federal Aviation Administration, all civilian employees of the Office of the Secretary, Department of Transportation, the Transportation System Center, the Federal Highway Administration, the National Highway Traffic Safety Administration, the Research and Special Programs Administration, the National Transportation Board, and Civilians who work for the United States Coast Guard.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains those records required to insure that an employee receives his or her pay and benefits required by law. It includes Employee Master Record, Annual Leave Payroll Register, FAA Bond Deductions and Bond Issued, Union Dues, FICA Records, City Withholdings, State Withholdings, Federal Withholdings, Retirement, Leave Without Pay, Pay Scale, Contributions, Travel Orders, Travel Advances, Travel Vouchers, Time and Attendance, Overtime, claims relating thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This System is used to:

Calculate pay and allowances due to employees.

Prepare annual report and reconcile with Gen. Ledger Accounts.

Record permanent pay changes.

Record temporary pay changes.

Notify employees of pay adjustments processed.

Record travel advances and allowances.

List leave earned, taken, and/or lost and new balances for employees.

Test run against Employee Master Record to reflect missing T&A cards of employees.

Summarize earnings, deductions, and leave by pay periods, and produce statement for employee information.

Provide management information on an as required, ad hoc basis.

Produce history of checks and bonds to be issued and magnetic tape sent to Treasury for their issuance.

Report dues deducted by individuals to Unions.

Report amounts withheld to credit financial institutions, charitable organizations and professional associations.

Quarterly summary of earnings and deductions.

Adjudicate claims for reimbursements which are sent to GAO.

Extract list of FICA employees for reporting earnings and deductions to IRS.

Report State and local tax withholding to various States and local taxing authorities and to IRS.

Provide home address information for employee communications to FAA officials.

Provide statistical data of U.S. Savings Bond and Combined Federal Campaign participation.

Provide to commercial credit bureaus data relating to delinquent debts such as, amount, name, social security number, last known address, reason for indebtedness.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on punch cards, magnetic tape, magnetic disk, microforms, and in file folders. Storage is at the geographic location of the servicing accounting office and the central payroll operations facility.

RETRIEVABILITY:

Records are maintained by employee name, Social Security Account Numbers. Retrieval is often accomplished by use of telecommunications.

SAFEGUARDS:

Magnetic tape and disk files are kept with limited accessibility by agency personnel. Other files are retained mainly in unsecured work area but are locked during non-duty hours.

RETENTION AND DISPOSAL:

Employee Retirement records are retained until such time as the employee leaves the agency whereupon these records are transferred to the OPM. Original payment vouchers and supporting documentation are usually retained on site for a period of three years, and then are stored in GSA Records Centers before destruction when ten years and three months old. Certain payroll records are retained permanently at the GSA National Personnel Records Center and others are destroyed after GAO audit or when no longer useful. See FAA Order 1350.15A for records in the 2710 and the 2730 series for specific details on individual records covered by this system.

SYSTEM MANAGER(S) AND ADDRESS:

Uniform Payroll System Operations Manager (UPSOM),
Mike Monroney Aeronautical Center,
Oklahoma City, Oklahoma.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Data are collected from the individual employees, time and attendance clerks, and FAA Personnel Management Operations Divisions.

DOT/FAA 807.

SYSTEM NAME:

Police Warrant File and Central Files DOT/FAA.

SYSTEM LOCATION:

Police Branches,
Washington National and Dulles International Airports.
Civil Aviation Security Division,
Aeronautical Center,
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals failing to pay Violation Notices and individuals involved in a situation requiring a police report.
Individuals cited for parking and a traffic violation.
Individuals having criminal records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Case File, file cards with warrant numbers, arrest records, traffic accident records, injury reports, loss, theft and complaints reports, traffic violations notice files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used to carry out such required functions as:
Check for wanted individuals and vehicles.
Vehicle registration information.
Prior offense status, to testify in court hearings, to assist in case preparation by U.S. Attorney's Office.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders. Stored in metal file cabinets.

RETRIEVABILITY:

Data are retrievable by individual name and/or cross referenced to a warrant number as a case file number.

SAFEGUARDS:

Files are retained in a secured work area accessible only by consent of guard on duty.

RETENTION AND DISPOSAL:

Warrants are disposed of when warrant has been paid, case files are kept permanently. Records of citations destroyed after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Metropolitan Washington Airports.
Washington National Airport,
Hangar 9,
Washington, DC 20001.
Chief, Civil Aviation Security Division,
Aeronautical Center,
Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Agency employees, arresting officers, investigating officers, other agencies, witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

System is exempt from certain subsections of the Privacy Act. The purpose of the exemption is to prevent compromise or impairment of criminal investigations conducted by the Airport Police Branches. The exemption rule may be found on page 49887 of the Friday, October 24, 1975, issue of the Federal Register.

DOT/FAA 810.

SYSTEM NAME:

Discrimination Complaint Files DOT/FAA.

SYSTEM LOCATION:

These records are maintained at FAA regional and center Civil Rights Offices and at the FAA Office of Civil Rights in Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding FAA employees, and applicants for FAA employment, who are directly or indirectly involved in a discrimination complaint filed with FAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files developed in processing complaints of discrimination.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigation of alleged discrimination.

Preparation of analytical and statistical studies and reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in approved security files and containers.

RETRIEVABILITY:

These records are retrieved by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are destroyed 5 years after the final decision is rendered.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civil Rights, ACR-1, FAA,
800 Independence Avenue, SW,
Washington, DC 20591.
and regional and center Civil Rights Offices.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information contained in this system comes from complaints filed by complainants; EEO counselor reports; investigative reports; and departmental decisions.

DOT/FAA 811.

SYSTEM NAME:

Employee Health Record System DOT/FAA.

SYSTEM LOCATION:

These records are maintained at DOT regional, center and Washington medical facilities or other government health units servicing the employees' geographic locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding DOT employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains documents constituting the basic medical record of a DOT employee, including medical examination reports, laboratory findings, correspondence, retirement, fitness for duty examinations, health and physical training records, and related papers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To document employee health unit visits and nature of complaint or physical examination findings, treatment rendered and case disposition. To be used by agency officials and consultants to determine employee fitness for duty or employment.

To monitor the physical condition of employees enrolled in the DOT Employee Fitness Program.

To prepare analytical and statistical studies and reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in approved security files and containers, on magnetic tape and magnetic disk.

RETRIEVABILITY:

These records are indexed by name and social security number.

SAFEGUARDS:

Access to and use of these records in manual or automated form is limited to those persons whose official duties require such access. This record management principle is reinforced by appropriate physical, technical and administrative safeguards as prescribed by FAA Security directives applicable to both manual and automated record systems.

RETENTION AND DISPOSAL:

These records are destroyed 20 years after the date of last entry.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Flight Surgeon within region where examination was conducted.
Chief, Aeromedical Clinical Branch, AAC-160
Aeronautical Center, Oklahoma City, Oklahoma.
Chief, Clinical Specialties Division,
Washington, DC 20591
Manager, DOT Employee Fitness Center,
Washington, DC 20590
Chief, Occupational Health Division, AAM-400
Washington, DC 20591

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegatee, 800 Independence Avenue, S.W., Washington, DC 20591 or the Assistant Secretary for Administration or his delegatee, Department of Transportation, 400 Seventh Street, S.W., Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Information contained in this system comes from the employee and from attending physicians and nurses and from associated medical reports.

DOT/FAA 813.

SYSTEM NAME:

Civil Aviation Security System DOT/FAA.

SYSTEM LOCATION:

These records are maintained at FAA Civil Aviation Security Field Offices, regional Civil Aviation Security

Divisions, and at the Office of Civil Aviation Security in Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding hijackers, potential hijackers, saboteurs, potential saboteurs, extortionists, terrorists, and other individuals who have been involved or might be involved in crimes against civil aviation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information regarding hijacking; civil aviation sabotage incidents; potential or suspected hijackers; civil aviation saboteurs; explosives or devices found on aircraft, at airports, or at civil aviation offices or facilities; attempts to board aircraft or enter airport sterile areas with concealed weapons; and other civil aviation criminal acts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Source of data regarding air piracy/civil aviation sabotage threats for dissemination to airport and air carrier security officers.

Preparation of alerts, bulletins, and summaries on incidents affecting civil aviation security and threats to civil aviation for distribution to interested government and aviation organizations.

Preparation of summaries for development/change of security procedures in civil aviation for distribution to interest government and aviation- oriented organizations.

Respond to authorized inquiries.

Preparation of analytical and statistical studies and reports for distribution to interested government and aviation-oriented organizations and the public upon request.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in approved security files and containers.

RETRIEVABILITY:

These records are indexed by name and/or incident.

SAFEGUARDS:

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 indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Intelligence and International Security Division, ACS-400.

Office of Civil Aviation Security, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, and regional Civil Aviation Security organizations.

NOTIFICATION PROCEDURE:

Individuals wishing to see their records may appear in person or submit in writing a request identifying record desired.

For identification an individual must submit his or her name to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,

800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information contained in this system comes from other FAA records; Federal, State, or local agencies; foreign sources; public record sources; and third parties.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

System is exempt from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory material compiled for law enforcement purposes and to prevent the disclosure of material authorized to be kept secret in the interest of the national defense or foreign policy in accordance with 5 U.S.C. (552 (b)(1) and 552a (k)(1). Disclosure of investigatory material would hamper law enforcement by prematurely disclosing the knowledge of illegal activity and the evidentiary basis for possible enforcement actions. The exemption rule may be found on page 22564 of the Friday, June 4, 1976, issue of the Federal Register.

DOT/FAA 814.

SYSTEM NAME:

Equal Employment Opportunity Minority/Female Statistical Reporting System DOT/FAA.

SYSTEM LOCATION:

These records are maintained at FAA regional and center Civil Rights Offices and at the FAA Office of Civil Rights in Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information on all FAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information (187 data elements) such as name, organization, social security number, racial background, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Monitor and evaluate status and progress of minority/female employment.

Preparation of analytical and statistical studies and reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are in the form of magnetic tape and computer listings and are stored in magnetic tape security areas and in file cabinets.

RETRIEVABILITY:

These records are retrieved by name or Social Security Number.

SAFEGUARDS:

Access to data in this system is limited to the Director, Office of Civil Rights, or to those authorized by him.

RETENTION AND DISPOSAL:

This system is updated monthly and the replaced master tape is reused in the normal data processing manner.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civil Rights, FAA,

800 Independence Avenue, SW, Washington, DC 20591 and regional and center Civil Rights Offices.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Personal observation.
Self identification.
Manpower records.
Organization records.

DOT/FAA 815.

SYSTEM NAME:

Investigative Record System. DOT/FAA.

SYSTEM LOCATION:

These records are maintained at FAA regional Civil Aviation Security Divisions and center Investigations and Security Divisions, and the Office of Civil Aviation Security in Washington, D.C., and Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former applicants for FAA employment.

Current and former FAA employees.

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.

Aircraft owners.

Flight Instructors.

Pilots.

Mechanics.

Designated FAA representatives.

Other individuals certificated by FAA.

Individuals involved in tort claims against the FAA.

Employees, grantees, subgrantees, contractors, subcontractors, and applicants for FAA funded programs.

Other individuals who are of investigative interest to FAA, law enforcement, or investigative agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of investigations and inquiries conducted by the Office of Civil Aviation Security; FAA regional Civil Aviation Security Divisions and center Investigations and Security Divisions; information received in various formats from, and results of investigations conducted by Federal, State, and local investigative or law enforcement agencies which relate to the mission and function of the Office of Civil Aviation Security and field elements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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 enforcing 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 inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, or general crime prevention and detection efforts.

To authorized officers and employees of FAA and 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.

To officials from FAA and DOT administrative, operating and regulatory components who require access to the record to fulfill their responsibilities contained in Executive Orders, Civil Service Commission Regulations, Federal Aviation Regulations and Orders or Federal statutes.

To authorized representatives of Federal agencies and departments who require access to the file pursuant to an investigation or inquiry conducted under appropriate statutes, Executive Orders or administrative procedures of Federal Government. This can include investigations completed by FAA and referred to other Federal agencies for further investigation, prosecution or administrative action.

To authorized officers and employees of FAA having the responsibility to grant security clearance, make determinations 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.

To authorized representatives of U.S. air carriers where air safety might be affected.

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).

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in approved security file cabinets and containers.

RETRIEVABILITY:

These records are indexed alphabetically by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are destroyed or retired to the area Federal Records Center and then destroyed in accordance with FAA Order 1350.15, Records Organization Transfer and Destruction Standards.

The retention and destruction period for each record varies depending on the type of record, category of investigation, or significance of the information contained in the record.

All records are destroyed by approved methods.

SYSTEM MANAGER(S) AND ADDRESS:

The FAA Investigative Record System is decentralized and requests for such records should be directed to the appropriate System Manager as follows:

For the Washington Metropolitan area, excluding Eastern Region jurisdiction:

Director of Civil Aviation Security
800 Independence Avenue, SW,
Washington, DC 20591.

For the geographical area under the jurisdiction of the various regions:

Chief, Civil Aviation Security Division, of the appropriate region. (See the FAA National Field Directory, 1000.23F, for addresses).

For the jurisdiction of the FAA Technical Center

Chief, Investigations and Security Division,
FAA Technical Center

Atlantic City, NJ 08405.
For the jurisdiction of the Mike Monroney Aeronautical Center:
Chief, Investigations and Security Division,
Aeronautical Center,
Oklahoma City, OK 73126.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or to her by addressing a written request to any of the Systems Managers identified above. The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the requester feels he or she fits.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to such records should contact the System Manager. However investigative data compiled for law enforcement purposes may be exempt from the access provision pursuant to 5 U.S.C. 552a(k)(2) and (k)(5).

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

These records contain information obtained from interviews, review of records, and other authorized, applicable investigative techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

System is exempt from certain subsections of the Privacy Act. The purpose of the exemption is to protect materials classified in the national interest and to protect investigatory materials compiled for law enforcement purposes. Exemptions have been published in the Federal Register for this system. The exemptions may be applied pursuant to 5 U.S.C. 552 a(k)(1), (k)(2), and (k)(5).

DOT/FAA 816.

SYSTEM NAME:

Tort Claims and Personal Property Claims Record System DOT/FAA.

SYSTEM LOCATION:

These records are maintained at regional and center FAA Counsel Offices and Logistics Divisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding tort and property claimants who have filed claims against the Government/FAA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains reports, vouchers, witness statements, legal decisions, and related material pertaining to claims by or against the Government resulting from FAA transactions, other than litigation cases.
Approved claims are sent to the Accounting Division for certification and payment by Treasury check.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigation purposes.
Reference purposes.
Court action.
Doubtful claims are sent by Accounting Division to GAO for adjudication.
Some larger claims go to Department of Justice for approval or disapproval.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in approved file cabinets and containers.

RETRIEVABILITY:

These records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

These records are destroyed 3 years after the final decision is rendered.

SYSTEM MANAGER(S) AND ADDRESS:

Regional and center counsels.

NOTIFICATION PROCEDURE:

Individuals who wish to know if they appear in this system should contact the system manager.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should contact the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the
Associate Administrator for Administration,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Claimant, investigation reports, and courts.

DOT/FAA 820.

SYSTEM NAME:

Pending legislation (Employee's) - Private Relief and Public/Private Laws (Employee's) Private Reliefs DOT/FAA.

SYSTEM LOCATION:

This system of records is located in the Office of Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, S. W., Washington, D. C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FAA employees for whom private relief legislation has been introduced in Congress.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel information, litigation reports, collection vouchers, and real estate contracts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system is for reference in order to formulate FAA's position on proposed private relief legislation for FAA employees. All information is released to the Office of Management and Budget.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in file cabinets.

RETRIEVABILITY:

Data are indexed and retrieved by name of employee and employee number.

SAFEGUARDS:

No special safeguards required.

RETENTION AND DISPOSAL:

Records are transferred to Federal Records Center or destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Legislative Assistant,
Legislative Staff,
Office of Chief Counsel,
FAA, 800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Data are obtained from members of Congress and FAA records.

DOT/FAA 821.

SYSTEM NAME:

Litigation Information Management Systems DOT/FAA.

SYSTEM LOCATION:

This system of records is maintained within the Office of the Chief Counsel, FAA, 800 Independence Avenue, S. W., Washington, D. C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This file contains information on Litigants, Claimants, Witnesses, Decedents, Plaintiff's Attorney, FAA Attorney and Department of Justice Attorney.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation and claim pleadings, discovery material, related documents (including background data on individual, or decedent involved), memoranda, correspondence, and other material necessary to respond to claims or prepare for litigation or hearings. Types of claims or litigation: aircraft accidents, auto accidents, personnel and general litigation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The documents are produced or used in and for litigation and claims. These documents are disclosed to the Department of Justice. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data are stored in lockable and unlockable file cabinets, individuals attorneys' offices, binders, index files and in computers.

RETRIEVABILITY:

Access is by name, location of accident, and/or docket number.

SAFEGUARDS:

Data from these files are retrievable only by persons within the Office of the Chief Counsel or Regional Counsels.

RETENTION AND DISPOSAL:

Litigation files are kept for 2 years after case is closed, then sent to the Federal Records Center. All other records in this system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Litigation Division,
Office of Chief Counsel,
Federal Aviation Administration,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Employees of the Office of Chief Counsel, Federal courts, individuals and their attorney, FAA records, litigation files, etc.

DOT/FAA 822.

SYSTEM NAME:

Aviation Medical Examiner System DOT/FAA.

SYSTEM LOCATION:

Aeromedical Education Branch,
Civil Aeromedical Institute,
Aeronautical Center,
Oklahoma City, OK 73125.

Regional Flight Surgeons in all regional headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private physicians appointed as Aviation Medical Examiners and selected military units through agreement with the Surgeon Generals.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes records necessary to the operation of the system to establish qualifications of physicians, identification as to location within the system, actual performance in support of the system and records pertaining to training received from the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Aeromedical Education Branch, AME Section, to determine training needs.

By Regional Flight Surgeons to evaluate the physician's performance in the AME System and determine reappointments.

By the Office of Aviation Medicine in Washington, D.C., in policy determination.

By General Aviation District Offices in locating and obtaining support of qualified AMEs.

By private organizations needing to contact and utilize the physician's services in his capacity of an AME.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file, file folders, magnetic tapes, and hard copy.

RETRIEVABILITY:

Information stored by Region, State, Name, and Control Number.

SAFEGUARDS:

File rooms with restricted access, three-combination safe with accesss by authorized personnel.

RETENTION AND DISPOSAL:

Paper designated examiner case files are retained until the physician is designated. Paper records of designations are transferred to the Federal Records Center after 10 years and destroyed after 25 years. Magnetic tapes of designations are updated continuously.

SYSTEM MANAGER(S) AND ADDRESS:

Records from Master files:
Chief, Aeromedical Education Branch, Aeronautical Center,
Oklahoma City, OK 73125.
Regional files from Regional Flight Surgeon within Region wherein the AME is appointed.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from the Aviation Medical Examiners themselves.

DOT/FAA 824.

SYSTEM NAME:

Medical Exemptions - Public Dockets DOT/FAA.

SYSTEM LOCATION:

Department of Transportation, The Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons petitioning for a medical exemption under Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions for exemption, supporting and supplementary documentation submitted by petitioners, correspondence, and the grant or denial of the exemption.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compliance with statutory and regulatory provisions for public accessibility to rulemaking actions.
Disclosure to general public and other agencies.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original and copies of records in file folders.

RETRIEVABILITY:

Retrieved by exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Access through request to Docket Specialist.

RETENTION AND DISPOSAL:

Dockets are retained indefinitely; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Docket and Regulations Specialist,
Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Office of Aviation Medicine, FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

DOT/FAA 825.

SYSTEM NAME:

Petitions for Rulemaking - Public Dockets DOT/FAA.

SYSTEM LOCATION:

Located in the Office of the Chief Counsel, Federal Aviation Administration, Washington, D.C. 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons petitioning for a change in the Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions for rulemaking, correspondence, documents showing disposition of the petition and public comments on any resulting NPRM.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compliance with statutory and regulatory provisions for public accessibility to rulemaking actions.
Disclosure to general public and other government agencies.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original and copies of records are stored in unlocked file cabinets.

RETRIEVABILITY:

Retrieved by exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Access through request to Dockets Specialist.

RETENTION AND DISPOSAL:

Transferred to Federal Records Center when inactive; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Docket and Regulations Specialist,
Office of the Chief COunsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Petitions for rulemaking.

DOT/FAA 826.

SYSTEM NAME:

Petitions for Exemption (Other than Medical Exemption) - Public Dockets DOT/FAA.

SYSTEM LOCATION:

Located in the Office of the Chief Counsel, FAA, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons petitioning for an exemption (other than medical) under the Federal Aviation Regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Petitions for exemptions, supplementary information, correspondence and the grant or denial of the exemption.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compliance with statutory and regulatory provisions for public accessibility to rulemaking actions.

Disclosure to general public and other government agencies.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original and copies of records stored in unlocked file cabinets.

RETRIEVABILITY:

Retrieved by exemption number, docket number, or alphabetical listing of petitioner names.

SAFEGUARDS:

Access through request to Dockets Specialist.

RETENTION AND DISPOSAL:

Transferred to Federal Records Center when inactive; destruction not authorized.

SYSTEM MANAGER(S) AND ADDRESS:

Docket & Regulations Specialist, AGC-24,
Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Petitions for exemptions.

DOT/FAA 827.

SYSTEM NAME:

Environmental Litigation Files DOT/FAA.

SYSTEM LOCATION:

Located in the Office of the Chief Counsel, FAA, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Litigants, witnesses, plaintiff's attorney, FAA attorney, Department of Justice Attorney, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on litigation, pleadings, discovery material, related documents. (including background data on individual involved), memoranda, correspondence, and other material necessary to respond to claim or prepare for litigation or hearings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Litigation; documents are produced or used in and for litigation and are disclosed to the Department of Justice.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in locked and unlocked file cabinets and individual attorney's offices.

RETRIEVABILITY:

Retrieved by caption of the particular litigation.

SAFEGUARDS:

Access by Office of Chief Counsel personnel only.

RETENTION AND DISPOSAL:

Files are kept for 2 years after case has been closed and then sent to Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Environmental Staff,
Office of the Chief Counsel,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Federal courts, individuals and their attorneys, FAA records, litigation files, etc.

DOT/FAA 828.

SYSTEM NAME:

Physiological Training System DOT/FAA.

SYSTEM LOCATION:

Aeromedical Education Branch,
Civil Aeromedical Institute,
Aeronautical Center,
Oklahoma City, OK 73125.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The training is primarily of benefit to pilots. It is also recommended for other air crew personnel, Air Traffic Controllers, Aviation Medical Examiners, and other personnel from the national aviation system.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes records necessary to establish qualifications of eligibility to receive physiological training, maintain accountability of funds required for training and transfer of funds to involved agencies, and to provide proper evidence of training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Aeromedical Education Branch, Airman Education Section to determine training qualifications.

By the Accounting Division, General Accounting Branch, for receipt and transfer of training funds.

By the Aeromedical Education Branch, Airman Education Section, to provide proper evidence of training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card file, and file folders.

RETRIEVABILITY:

Information files by name and location of training.

SAFEGUARDS:

Files access restricted to Aeromedical Education Branch personnel.

RETENTION AND DISPOSAL:

Files are retained for 5 years after completion of training and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Aeromedical Education Branch, Aeronautical Center, Oklahoma City, OK 73125.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals themselves.

DOT/FAA 830.

SYSTEM NAME:

Representatives of the Administrator DOT/FAA.

SYSTEM LOCATION:

This system is located and maintained as a decentralized system with all designations being maintained at General Aviation District Offices, Air Carrier District Offices, Flight Standards District Offices, Engineering and Manufacturing District Offices, Air Traffic and Aviation Medicine Headquarters, regional or field offices that designate Air Traffic Control Tower Operator Examiners, Aviation Medical Examiners, Forensic Pathologists, and the international field offices where designations were made with lists of certain categories of representatives maintained by individual FAA Regional Offices to whom the designating field offices report, and with master lists of certain categories of representatives maintained at the Aeronautical Center and FAA Headquarters, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Aviation Medical Examiners, Pilot Examiners, Technical Personnel Examiners, designated Aircraft Maintenance Inspectors, designated Engineering Representatives, and designated Manufacturing Inspection Representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on qualification, certification, and appointment authorization.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a data base for management use of the numbers and qualifications of individuals designated as representatives.

To facilitate written and oral communication between the FAA and its representatives.

To provide the public with the names and addresses of certain categories of representatives who may provide service to them.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and card files.

RETRIEVABILITY:

Records are filed by designee name and retrieved by same.

SAFEGUARDS:

Records are stored in lockable file cabinets.

RETENTION AND DISPOSAL:

Records are retained during the life of the designated, then destroyed 2 years after expiration of the designation.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of the office where the designation was made.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

DOT/FAA 831.

SYSTEM NAME:

Standard Procedure Uniform Reporting System (SPUR) DOT/FAA.

SYSTEM LOCATION:

This system is located at all General Aviation District Offices (GADO), Air Carrier District Offices (ACDO), Flight Standards District Offices (FSDO) in all regions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Pilots, mechanics, parachute rigger examiners, flight instructors, authorized inspectors, air taxi operators, and avionics examiners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accident reports, supplement reports, remedial checks, violations, records of inspections, surveillance and certification.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Aids supervisors in developing work plans and work measurements to accomplish agency mission.

Release to state aviation authorities for seminars and workshops.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Posted on big board in office and in file cabinets in office.

RETRIEVABILITY:

Data are retrieved by name of individual to be examined.

SAFEGUARDS:

Data are available only in the conduct of official business.

RETENTION AND DISPOSAL:

When the individual is no longer affiliated with the agency, or no further action is required.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of the GADO, ACDO, FSDO in region where individual is operating or assigned.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

By the applicant, by inspector surveillance, or by being reported by an FAA official.

DOT/FAA 832.

SYSTEM NAME:

Pilot/Flight Engineer/Navigator Flight Record System DOT/FAA.

SYSTEM LOCATION:

Aircraft Management Branch,
Headquarters,
Washington, D.C.
Aeronautical Center,
Oklahoma City, Oklahoma;
NAFSE,
Atlantic City, New Jersey;
and all regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FAA pilots, flight engineers and navigators assigned to FAA Flight Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flight check records, list showing flight time, certifications and flight logs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used by flight program management personnel to determine qualifications of crewmembers to:
Fly agency aircraft.
Utilize rental aircraft.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape, cardex files, and in file folders.

RETRIEVABILITY:

Records are retrieved by employee name and crewmember number.

SAFEGUARDS:

Records are stored in a restricted, controlled-access area and are used only in the conduct of official business.

RETENTION AND DISPOSAL:

Cardex and folder files are destroyed one year after pilot's separation and transfer from agency. Magnetic tape is updated periodically.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Planning and Scheduling Branch, AAC-850.
Aeronautical Center,
Oklahoma City, OK 73125.
Chief, Aircraft Programs Division,
Office of Flight Operations. FAA
Washington, D.C. 20591
or Aircraft Management Branch in region where employed.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Flight check records submitted by the individual to whom the record pertains; reports submitted by the pilot in command of each flight.

DOT/FAA 833.

SYSTEM NAME:

Housing Management Monthly Report, RIS: AL-4930-3 DOT/FAA.

SYSTEM LOCATION:

Alaskan Regional Office,
701 C Street, Box 14
Anchorage, AK 99513.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Names of employees occupying FAA owned or leased housing.
Names of employees and agencies who lease FAA housing in Alaska.

CATEGORIES OF RECORDS IN THE SYSTEM:

Housing records, leases, maintenance bills, damage reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain percentage of occupancy.
Maintain up-to-date record of maintenance cost.
Maintain up-to-date list of persons occupying FAA units.
Provide above information to Sector Managers.
Provide above information to local station.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filing cabinet, Housing Management, AAL-52D.

RETRIEVABILITY:

Station location.
Unit numbers.
Name of employee.
Number of dependents.
Pay period rental rate.

SAFEGUARDS:

Retrieved only by agency personnel and used only in the conduct of official business.

RETENTION AND DISPOSAL:

Monthly records are destroyed upon receipt of next month's ADP run.

End of year reports are retained.

SYSTEM MANAGER(S) AND ADDRESS:

Housing Management Officer, AAL-52D
701 C Street, Box 14
Anchorage, AK 99513.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Employees.

Employees of other agencies that lease housing from FAA.

DOT/FAA 834.

SYSTEM NAME:

Commissary Billing DOT/FAA.

SYSTEM LOCATION:

FAA,
Alaskan Region,
Anchorage, Alaska.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FAA Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Commissary Billing Invoices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Bill FAA employees for goods received from the FAA Commissary.

Commissary sales analysis.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

Data processing tapes.

RETRIEVABILITY:

Organization, Voucher Number, Name.

SAFEGUARDS:

Restricted computer room access and used only in the conduct of official business.

RETENTION AND DISPOSAL:

Billing statement tape held for 30 days after last use, then erased.

Matching listing held 2 years, then sent to storage.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting Division, AAL-20, FAA,
701 C Street, Box 14 Anchorage, AK 99513.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Individuals requesting goods from the FAA Commissary.

DOT/FAA 837.

SYSTEM NAME:

Photographs and Biographical Information DOT/FAA.

SYSTEM LOCATION:

Office of Public Affairs,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.
And
Public Affairs Offices at the following FAA Regions and Centers:
Aeronautical Center,
P.O. Box 25082,
Oklahoma City, OK 73125.
Alaskan Region,
632 Sixth Avenue,
Anchorage, AK 99501.
Central Region,
601 East 12th Street,
Kansas City, MO 64106.
Eastern Region,
Federal Bldg., JFK International Airport,
Jamaica, NY 11430.
Great Lakes Region,
2300 E. Devon Avenue,
Des Plaines, IL 60018.
National Aviation Facilities Experimental Center,
Atlantic City, NJ 08405.
New England Region,
12 New England Executive Park,
Burlington, MA 01803.
Northwest Region,
FAA Building, Boeing Field,
Seattle, WA 98108.
Pacific-Asia Region,
P.O. Box 4009,
Honolulu, HA 96813.
Rocky Mountain Region,
10455 E. 25th Ave.
Aurora, CO 80010.
Southern Region,
P.O. Box 20636,
Atlanta, GA 30320.
Southwest Region,
P.O. Box 1689,
Fort Worth, TX 76101.
Western Region,
P.O. Box 92007,
World Way Postal Center,
Los Angeles, CA 90009.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FAA employees and other individuals who may appear with them in candid photographs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data; portrait and candid photographs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is maintained to provide information to the public--particularly the news media--and for use in employee publications. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in file cabinets.

RETRIEVABILITY:

Records indexed alphabetically by name or subject.

SAFEGUARDS:

Access through request to the System Manager. These records are used only in the conduct of official business.

RETENTION AND DISPOSAL:

Materials retained as long as individual or event is newsworthy.

following which they are destroyed. In certain cases, material is retained for historical purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Public Affairs and Public Affairs Officers at above addresses.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

FAA employees and other individuals who may appear with them in candid photographs.

DOT/FAA 839.

SYSTEM NAME:

Printing Branch Distribution System DOT/FAA.

SYSTEM LOCATION:

FAA Office of Management Systems,
Data Processing Center, AMS-350
400 7th St., S.W.
Washington, DC 20591.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or governmental agencies interested in receiving Federal Aviation Documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses of those individuals and/or governmental organizations wishing to be placed on the mailing lists for FAR's, AC's, NPRM's, the AIM, and various miscellaneous publications.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To serve as a comprehensive mailing list of individuals and/or governmental agencies for dissemination of all and/or specific parts of FAR's, AC's, NPRM's, the AIM, and various miscellaneous publications.

Subject system of records correlates or matches specific consumer information requirements to subject category information contained in the FAR's, AC's, NPRM's, the AIM, and miscellaneous publications, thereby reducing printing costs and, at the same time, satisfying the particular needs and interests of the recipients of desired information.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape.

RETRIEVABILITY:

Records are retrieved by record identification numbers (state code, city code, first five characters of last name of customer, and first initial of customer).

SAFEGUARDS:

Magnetic Tape - Data can only be retrieved by computer operators as authorized by the System Manager or delegate.

Requests for disclosure of and access to records are screened carefully and must satisfy the 'need-to-know' policy.

The file room is open to agency personnel only.

RETENTION AND DISPOSAL:

Magnetic tapes are updated annually as a result of canvassing, and retention and disposal of records are governed by consumer requests, in writing.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Systems Support Division, AMS-100,
Office of Management Systems,
FAA,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate,
800 Independence Avenue, SW,
Washington, DC 20591.

RECORD SOURCE CATEGORIES:

Information is obtained from:
Aviation Medical Examiners.
General aviation public.
Consumers and consumer organizations.
Other government agencies.
Libraries.
Army, Navy, Air Force, etc.

DOT/FAA 843.

SYSTEM NAME:

FAA World Magazine Address System

SYSTEM LOCATION:

DOT/M-482.2, Washington, D. C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Non-FAA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Address labels, master list (names, addresses)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Mailing of FAA World to retirees, governmental and union offices, libraries, industry PR offices, publication exchanges and DOT internal distribution.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: THIS IS A LIMITED LIST SUPPLEMENTING FAA EMPLOYEE HOME ADDRESS DISTRIBUTION.

STORAGE:

Standard card and Xerox list.

RETRIEVABILITY:

By name or routing symbol.

SAFEGUARDS:

Card and Xerox list available only to authorized DOT personnel.

RETENTION AND DISPOSAL:

Periodic canvassing and culling.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator,
Office of Public Affairs,
Federal Aviation Administration,
800 Independence Avenue, SW,
Washington, DC 20591.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator or his delegate, 800 Independence Avenue, SW, Washington, DC 20591.

RECORD SOURCE CATEGORIES:

All sources, on a voluntary basis.

DOT/FAA 844.

SYSTEM NAME:

FAA Airplane Noise Complaint System, DOT/FAA.

SYSTEM LOCATION:

Federal Aviation Administration Office of Environmental Quality 800 Independence Avenue, SW Washington, DC 20591

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who complain to the FAA about airplane noise at Dulles and National Airports in the Washington, DC area and in the vicinity of JFK Airport in New York.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, date, time of day of complaint, and category of complaint which may include one or more of the following: a) Excessive noise b) Structure disturbance; e.g., vibrating windows c) Activity interruption; e.g., sleep disturbance d) Perceived danger e) Animal disturbance f) Flying too low g) Other; e.g., caused earache

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape. Original record of complaint will be destroyed following transfer of information to tape.

RETRIEVABILITY:

By last name, address, complaint category, time of complaint.

SAFEGUARDS:

Directly concerned employees will be briefed in the provisions and requirements of the Privacy Act of 1974. These employees will be counseled as to the absolute requirements for confidentiality of the records under their control. They will be informed that appropriate disciplinary action will be taken for failure to comply with this requirement. Access to the system of records will be possible only to those agency employees with knowledge of a regularly changed password. The password will be conceived by the System Manager and divulged only to directly concerned employees. The original record will be destroyed following transfer of information to magnetic tape.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Environmental Quality, AEQ-1, Federal Aviation Administration, 800 Independence Avenue, SW Washington, DC 20591 In order to increase the level of safety of the proposed system of records, no other individuals will be designated for the position of System Manager.

NOTIFICATION PROCEDURE:

Individuals wishing to know if information pertaining to them appears in this system of records may inquire in person or in writing to the System Manager. The inquirer's name and address will be required in order to ascertain whether the system contains a record about that individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

All anticipated disclosures of records in the FAA Airplane Noise Complaint System will be to those officers and employees of the DOT and FAA who have a need for the record in the performance of their duties, thus bringing the system within the scope of 5 U.S.C. 552a(b)(1). No routine uses under 552a(b)(3) are anticipated other than those set forth in the Prefatory Statement of Routine Uses applicable to all DOT/FAA Systems of Records, which appeared in the Federal Register on September 19, 1977, (42 F.R. 47038).

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about themselves in this system of records should either contact in person or address their written inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves in this system of records should contact or address their inquiries to the Administrator or his delegate at the following address: Department of Transportation Federal Aviation Administration, Office of the Administrator, 800 Independence Avenue, SW Washington, DC 20591

RECORD SOURCE CATEGORIES:

Information is obtained from individual noise complaints, on a voluntary basis. No specific forms will be used to obtain this information.

DOT/FAA 845

SYSTEM NAME:

Correspondence Control and Information System, DOT/FAA

SYSTEM LOCATION:

Federal Aviation Administration
Office of the Administrator,
Administrative Staff
800 Independence Ave., S.W.
Washington, D.C. 20591

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who write, or are referred in writing by a second party, to the Administrator, to the Deputy Administrator, and their immediate offices; individuals who write, or are referred in writing by a second party to the Secretary, to the Deputy Secretary, to the Deputy Under Secretary and their immediate offices and the correspondence which has been referred to the Federal Aviation Administration; individuals who are the subject of an action requiring approval or action by one of the forenamed, such as appeals, actions, training, awards, foreign travel, promotions, selections, grievances, description, application of waivers from the Federal Aviation Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence submitted by, or on begalf of, an individual, including resumes, letters of reference, etc; responses to such correspondence; staff recommendations on actions requiring approval or action by the Administrator, the Deputy Administrator, the Secretary, the Deputy Secretary, and the Deputy Under Secretary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the appropriate action office within or outside the Department or agency for preparation of a response.

Referral to the appropriate agency for actions involving matters or law, of regulations beyond the responsibility of the agency or Department such as the Department of Justice in matters of law enforcement.

As a data source for management information, such as briefing material on hearings, trend analysis, responsiveness, etc. .

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer Magnetic disk.

RETRIEVABILITY:

Access is by suspense date, correspondence date, subject matter, senders name, referring individual, action office, and type.

SAFEGUARDS:

Terminal acces through the system's software is limited to the Administrator's Administrative Staff.

RETENTION AND DISPOSAL:

Hard-copy records are transferred to the Federal Records Center when three years old to be destroyed when ten years old.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administrative Staff
Office of the Administrator
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator, or his delegate, at the following address:

Federal Aviation Administration
Office of the Administrator
800 Independence Avenue, S.W.
Washington, D.C. 20591

RECORD SOURCE CATEGORIES:

Correspondence from individuals, their representatives, or sponsors. Response to incoming correspondence. Related material for background as appropriate.

DOT/FAA 846

SYSTEM NAME:

Airport Solicitation Permit Application File, DOT/FAA

SYSTEM LOCATION:

Federal Aviation Administration
Operations Office
Washington National Airport
Washington, D.C. 20001
Federal Aviation Administration
Operations Office
Dulles International Airport
Washington, D.C. 20041

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed applications for Airport Solicitation Permits; documentation of each solicitor's authority to represent the organization for which he or she claims to be soliciting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Preparation and issuance of Airport Solicitation Permits, which indicate the solicitor's name and the organization for which he is soliciting. Permits will be issued by airport operations personnel.

Disclosure to members of the public upon request, to permit the public to be informed as to who is soliciting at the airport and for what cause.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Application forms and any attached documentation are retained at the Operations Offices of National and Dulles Airports.

RETRIEVABILITY:

Applications are maintained in chronological order, not by name. There is no means for retrieval of records pertaining to a particular individual other than manual search of the entire file.

SAFEGUARDS:

The file is in the custody of the Duty Operations Officer.

RETENTION AND DISPOSAL:

Applications will normally be destroyed within 60 days of the date submitted.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Operations Division
Washington National Airport
Federal Aviation Administration
Washington National Airport
Washington, D.C. 20001
Chief, Operations Division
Dulles International Airport
Federal Aviation Administration
Dulles International Airport
Washington, D.C. 20041

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record access procedures'.

RECORD SOURCE CATEGORIES:

Application forms and related documentation furnished by airport solicitors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for the operation of this system is Public Law 96-193, enacted February 18, 1980.

DOT/FAA 847

SYSTEM NAME:

General Air Transportation Records on Individuals, DOT/FAA

SYSTEM LOCATION:

Records are maintained primarily at:

Department of Transportation (DOT)
Federal Aviation Administration (FAA)
Mike Moroney Aeronautical Center
Oklahoma City, Oklahoma 73125

Portions of these records are located in:

Department of Transportation
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

General Aviation District Offices (GADO's).

Air Carrier District Offices (ACDO's).

Civil Aviation Security Field Offices (CASFO's).

FAA regional offices.

(Contact your nearest FAA office for location).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current certificated airmen, airmen whose certificates have expired, airmen rejected for medical certification, airmen with special certification, airmen who are deceased, and others requiring medical certification.

Air traffic controllers in air route traffic control centers, terminals, and flight service stations and applicants for these positions.

Applicants for airmen certificates, airmen seeking additional certifications or additional ratings, individuals denied certification, airmen holding inactive certificates, airmen who have had certificates revoked, and airmen and flight attendants engaged in international air transportation.

Persons who are involved in aircraft accidents or incidents: pilots, crew members, passengers, persons on the ground, and witnesses.

Individuals against whom the Federal Aviation Administration has taken administrative action or legal enforcement action for violation of certain Federal Aviation Regulations (FAR) or Department of Transportation Hazardous Materials Regulations (HMR). These include individuals or companies holding Federal Aviation Administration certificates, persons charged with violating FAR's and/or HMR's, and persons allegedly violating FAR's who have appealed to the National Transportation Safety Board (NTSB) or the courts.

CATEGORIES OF RECORDS IN THE SYSTEM:

All categories of records include identifying information such as name(s), date of birth, place of residence, mailing address, social security number, airman certificate number, home telephone number. Other records in this system are:

General Air Transportation Records on Individuals files are the official repository of records, documents, and papers required in connection with the issuance of airmen certificates by the Federal Aviation Administration. Additionally, the records in the system are on individuals against whom the FAA has taken Administrative action or legal enforcement action for violation of certain Federal Aviation Regulations or Hazardous Materials Regulations. (These files are maintained in local district or field offices, regional offices, the Aeronautical Center and the FAA headquarters in Washington, D.C., depending on the kind of action being undertaken).

Records that are required to determine the physical condition of an individual with respect to the medical standards established by FAA.

Records concerning applications for certification, written examinations, applications for written examinations, results of written tests, applications for inspection authority, certificates held, ratings, stop orders, and requests for duplicate certificates.

Reports of fatal accidents, autopsies, toxological studies, aviation medical examiner reports, medical record printouts, nonfatal reports, injury reports, accident name cards, magnetic tape records of fatal accidents, physiological autopsy, and consulting pathologist's summary of findings.

Records of accident investigations, preliminary notices of accident, injury reports, engineering analyses, witness statements, investigators' analyses, pictures of accident scenes.

Records concering safety compliance notices, letters of warning, letters of correction, final action legal documents in enforcement cases, enforcement in airmen medical denial cases on appeal to NTSB, investigations of alleged violations and reports of enforcement actions, correspondence of Regional Counsels, Office of Chief Counsel, and others in enforcement cases, violation reports on alleged FAA certificate violations other than medical certificates.

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 provide information for Federal, state, foreign and local agencies maintaining civil, criminal, or other relevant information; or other pertinent operational purposes such as validating airmen qualifications by supplying relevant information to an agency concerining the hiring or retention of employee or the issuance of a grant or other benefit.

To provide statistical reports for internal use, to Congress, other Federal agencies, and the public.

To locate specific individuals for a variety of personnel management functions.

To serve as a repository of documents used by individual and potential employers to determine validity of airmen qualifications.

To verify U.S. Citizenship, certify qualified applicants, and provide them with a crew member certificate to be used in lieu of a passport in International Civil Aviation Organization member countries.

To supply data to the National Transportation Safety Board (NTSB) under requirements of the FAA accident investigation authority delegated to it by the Board.

To serve as a repository of legal documents that relate to individuals' physical status or condition used to determine statistically the validity of FAA medical standards.

To develop professional papers that are distributed to various aviation and medical groups for evaluation and study.

To inform the aviation community of medical findings related to flight safety.

To inform airmen of meetings and seminars conducted by the FAA regarding aviation safety.

To provide information for determining eligibility for airman medical certification, for review of requests for exemptions from medical requirements, and for review of certificate denials.

To provide information concerning administrative and legal enforcement actions of alleged violations of certain Federal Aviation Regulations and Hazardous Materials Regulations to government agencies, the aviation industry, and the public upon request.

The general routine uses in the prefatory statement apply to all of these files.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders, on lists and forms, and in computer processable storage media. Records are also stored on microfiche.

RETRIEVABILITY:

These records are retrieved by various combinations of name, birth date, social security account number, airmen certificate number, or other identification number of the individual of whom the records are maintained. Records are also indexed by sex. Records are also filed by accident number and/or incident number, and administrative action or legal enforcement numbers.

SAFEGUARDS:

Personal information in this system of records is processed in both hard copy and digital environments. Applicable safeguards for each are described in the following subparagraphs:

Manual records: Strict information handling procedures have been developed to cover the use, transmission, storage, and destination of personal data in hard copy form. These are periodically reviewed for compliance.

Automated Processing (FAA Systems): Computer processing of personal information is conducted within established FAA computer security regulations. A risk assessment of the FAA computer facility used to process this system of records has been accomplished.

Automated Processing (Commercial Time Sharing Contractor): A limited amount of personal information covered by this system of records will be processed at a commercial facility. This data is of low sensitivity to disclosure. A comprehensive security review of the contractor installation was accomplished by the FAA security organization. Computer programs operated on commerical time share systems that contain data on individuals

have multiple security levels and record element restrictions to prevent release of data to unauthorized parties.

RETENTION AND DISPOSAL:

All records and files are retained and/or disposed of in accordance with the provisions of Order 1350. 15A, Records Organization, Transfer, and Destruction Standards.

SYSTEM MANAGER(S) AND ADDRESS:

Records Concerning Aviation Medical Certification: Chief, Aeromedical Certification Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Records Form Regional Files: Regional Flight Surgeon within the region where examination was conducted.

FAA Certification Records and General Airmen Records: Chief, Airmen Certification Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125. Requests for assistance may be made to the originating GADO, ACDO, or FSDO.

Records Concering General Aviation Accidents and Incidents and Air Carrier Incidents: Flight Standards National Field Officer, Attn: Chief, Safety Data Branch, Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Records Concerning Administrative and Legal Enforcement Action:

FAA Enforcement Information System Data Bases for Administrative and Legal Enforcement Actions: Flight Standards National Field Office, Attn: Chief, Safety Data Branch (AFO-580), Mike Monroney Aeronautical Center, Oklahoma City, Oklahoma 73125.

Official FAA Enforcement Files: The Office of the Chief Counsel, the Office of the Regional Counsel, or the investigating FAA field office, as appropriated. (The address of the appropriate FAA legal or field office maintaining the official agency enforcement file may be obtained from AFO-580).

(See or call your local FAA office in the area in which you reside for any proper address not specifically listed above).

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the system manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about themselves in this system of records should contact or address their inquiries to the system manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Associate Administrator for Administration or his delegate at the following address:

Department of Transportation
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

RECORD SOURCE CATEGORIES:

Medical Information: Information is obtained from Aviation Medical examiners, individuals themselves, consultants, hospitals, treating or examining physicians, other Government agencies, tests taken by the individual, special studies such as blood test, and in some rare cases, records are supplied by other persons or other agencies.

Airmen Certification Records: The individual to whom the records pertain. Written test scores are derived from answers given by individuals. Actions filed by FAA personnel.

General Aviation Accident/Incident Records and Air Carrier Incident Records: Information is obtained from Aviation Medical Examiners, pathologists, accident investigations, medical laboratories, law enforcement officials, and FAA employees. Data is also collected from manufacturers of aircraft, maintenance inspectors, accident investigators, witnesses to accidents, and involved passengers.

Administrative Action and Legal Enforcement Records: Regional Counsels, National Transportation Safety Board, Civil Aviation Security personnel, Flight Standards personnel, Aeronautical Center personnel, and the Office of Chief Counsel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions of the records are exempted from certain subsections of the Privacy Act. The purpose of these exemptions is to protect investigatory materials compiled for law enforcement by prematurely disclosing the knowledge of illegal activity and evidential basis for possible enforcement actions. The exemption rule may be found on page 8999 of the February 11, 1980, issue of the Federal Register.

DOT/FHWA 202.

SYSTEM NAME:

University and Industry Programs Coding and Filing System. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
National Highway Institute,
400 7th Street, SW,
Room 4136,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and prior year candidates for FHWA fellowships/scholarships employees of FHWA and State and local transportation agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for fellowships.
Transcripts of grades.
Follow-up evaluation reports.
Study progress reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Applications and transcripts used by fellowship selection panel.

Study progress reports and follow-up evaluation reports used by the National Highway Institute in program evaluation.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Stored in file cabinets.

RETENTION AND DISPOSAL:

5 years - discarded in trash.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Assistant, Department of Transportation,
Federal Highway Administration,
National Highway Institute,
400 7th Street, SW, Room 4206,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Any individual that has applied for a fellowship/scholarship may obtain such information by written request to the Institute. The requestor should know the year of his application.

RECORD ACCESS PROCEDURES:

May be obtained from the 'System Manager' at the address given above.

CONTESTING RECORD PROCEDURES:

May be obtained from the 'System Manager' at the address given above.

RECORD SOURCE CATEGORIES:

The information comes from individual applications, reports prepared by the individuals and their faculty advisors, and college transcripts.

DOT/FHWA 204.

SYSTEM NAME:

FHWA Motor Carrier Safety Proposed Civil and Criminal Enforcement Cases. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
All FHWA Regional Offices. (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers, agents or employees of motor carriers, including drivers who have been the subject of investigation for Motor Carrier Safety regulation violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information pertaining to Motor Carrier safety regulation violations and identifying features.

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 are used for referral to U.S. Attorney civil proceedings or referred to other agencies for criminal or civil investigation of other Federal violations.

Prefatory Statement of General Routine Uses, 5 does not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in the Regional Counsel's Office.

RETRIEVABILITY:

These records are indexed by names of motor carriers or individuals.

SAFEGUARDS:

The records are marked 'Confidential.' Only Office of Chief Counselor Regional Counsel Office employees or Bureau of Motor Carrier Safety (BMCS) employees have access to the files.

RETENTION AND DISPOSAL:

The records are retained for one year and then are sent to the Central Files for an additional three year period.

SYSTEM MANAGER(S) AND ADDRESS:

FHWA
Office of the Chief Counsel
400 7th Street, S.W., Room 4224
Washington, D.C. 20590
FHWA, Regional Counsel,
FHWA, Regional Offices (See 49 CFR Part 7 Appendix D for addresses

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager'.

RECORD SOURCE CATEGORIES:

Individuals, motor carrier files, and BMCS files, etc., as gathered by BMCS investigators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to (k) (2) of 5 U.S.C. 552a this system of records is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f).

DOT/FHWA 209.

SYSTEM NAME:

Driver Accident Record Cross-Reference File. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
FHWA Regional Office,
Associate Regional Administrator for Motor Carrier Safety
Room 210, Mohawk Building,
222 SW Morrison Street,
Portland, OR 97204.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Motor Carrier drivers who have had commercial accidents in the Region 10 geographic area and drivers from motor carriers based in Region 10 who have had commercial accidents anywhere in the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data tapes cross-referenced to motor carrier files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify commercial drivers who have been involved in one or more commercial accidents.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data tapes.

RETRIEVABILITY:

Filed alphabetically by driver's name.

SAFEGUARDS:

Personnel screening of those individuals requesting driver accident information.

RETENTION AND DISPOSAL:

Data maintained continuously on tape.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Regional Administrator for Motor Carrier Safety
FHWA Regional Office,
Room 210, Mohawk Building,
222 SW Morrison Street,
Portland, OR 97204.

NOTIFICATION PROCEDURE:

May be obtained upon request by supplying name to the address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager'.

RECORD SOURCE CATEGORIES:

Accident information on the cards and data tapes is transposed from the Motor Carrier Safety Accident Forms (MCS 50-T) and State Police Accident Reports.

DOT/FHWA 210.

SYSTEM NAME:

Occupational Safety and Health Accident Reporting System. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Office of Management Systems, HMS-4,
400 7th Street, SW, Room 4317,
Washington, DC 20590. Duplicate copies may be retained in Regional and Division offices (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any FHWA employee involved in an occupational accident.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains all type of occupational accidents such as, employees' injuries, occupational illnesses, motor vehicle, property damage, fire and explosion, vessel, train, and incidents not resulting in injuries or property damage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The use and purpose of the information is to obtain information for accident prevention.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in a file cabinet in folders.

RETRIEVABILITY:

The system is indexed by organizational element and name.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Records are retained for five years as required by Occupational Safety and Health Act of 1970, as amended, Title 29, U.S.C., Part 1960, Safety and Health Provisions for Federal Employees. The records are then forwarded to the Records Center of Archives and Records Services, GSA.

SYSTEM MANAGER(S) AND ADDRESS:

Occupational Safety Engineer,
Department of Transportation,
Federal Highway Administration,
Office of Management Systems,
400 7th Street, SW, Room 4317,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

The requester must provide his name, organizational element, and/or date of the accident, and proper identification to address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

The information is obtained from individuals involved in the accident, and by investigation by the individual's supervisors. Management obtains the information through investigation.

DOT/FHWA 211.

SYSTEM NAME:

Motor Carrier Accident File - Property and Passenger. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
400 7th Street, SW,
Washington, DC 20590.
(Hard copy is located in Room 4432-Magnetic tape storage is located in Room 2401.)
Hard copy is also stored in the Federal Records Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Accidents reported by motor carriers of passengers and property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Motor Carrier Accident Report Form.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compilation of data concerning accident frequency and causation.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy and magnetic tape.

RETRIEVABILITY:

Indexed by carrier name.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Retained indefinitely - continuing data reference for comparison purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Data Quality Branch,
Department of Transportation,
Federal Highway Administration,
Office of Highway Safety,
Accident Analysis Division,
400 7th Street, SW, Room 3409,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Information supplied by motor carrier.

DOT/FHWA 212.

SYSTEM NAME:

Medals of Honor File. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Bureau of Motor Carrier Safety,
Operations Division,
400 7th Street, SW, Room 3408,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Nominees and recipients of Presidential Medals of Honor for Lifesaving on Highways.

CATEGORIES OF RECORDS IN THE SYSTEM:

Description of incidents, Investigator's report, and related correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determination of applicability of Medals of Honor criteria, background information for preparation of Medal presentation.

See Prefatory Statement of General Routine Uses, 1, 2, 4, 9 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, one file drawer.

RETRIEVABILITY:

Indexed by name of nominee/recipient.

SAFEGUARDS:

Personnel screening.

RETENTION AND DISPOSAL:

Approximately two years retention after presentation or denial.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Operations Division,
Department of Transportation,
Federal Highway Administration,
Bureau of Motor Carrier Safety,
400 7th Street, SW, Room 3408,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Medal of Honor Nomination.

DOT/FHWA 213.

SYSTEM NAME:

Driver Waiver File. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Regional Driver Waiver Specialist,
Associate Regional Administrator for Motor Carrier Safety,

(See 49CFR7, Appendix D for Addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Operators of interstate commercial vehicles transporting certain commodities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for waiver (usually involving physical disability).

Final disposition of request for waiver.

Waiver renewal.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Control of physically impaired operators of commercial motor vehicles.

See Prefatory Statement of General Routine Uses, 5 does not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder, entire file cabinet.

RETRIEVABILITY:

Information retained by name.

SAFEGUARDS:

File is classified as non-confidential. Accessible to certain employees of Regulations Division, Bureau of Motor Carrier Safety.

RETENTION AND DISPOSAL:

Files are retained while waiver is active. Inactive waiver files are purged each year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Driver Requirements Branch, Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Information obtained from Application for Waiver or Waiver Renewal.

DOT/FHWA 215.

SYSTEM NAME:

Travel Advance File. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT), Federal Highway Administration (FHWA), Office of Fiscal Services, 400 7th Street, SW, Washington, DC 20590. All FHWA Regional Offices (See 49 CFR Part 7 Appendix D for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of travel advances and repayments.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To control repayment of travel advances.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on a 5 x 8 inch form.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are maintained in a locked file.

RETENTION AND DISPOSAL:

Schedule 9, Travel and Transportation Records, of the General Records Schedules (FPMR 101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Voucher Review & Disbursement Section, Department of Transportation, Federal Highway Administration, Office of Fiscal Services, 00 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

DOT/FHWA 216.

SYSTEM NAME:

Travel Voucher - Change of Duty Station. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT), Federal Highway Administration (FHWA), Office of Fiscal Services, 400 7th Street, SW, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees reimbursed for change of duty station travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of travel expenses claimed for change of duty station.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record of travel expenses for change of duty station.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on a 8 x 10 inch form.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Supervised by the Chief, Voucher Review & Disbursements Section.

RETENTION AND DISPOSAL:

Schedule 9, Travel and Transportation Records, of the General Records Schedules (FPMR 101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Voucher Review & Disbursements Section, Department of Transportation, Federal Highway Administration, Office of Fiscal Services, 400 7th Street, SW, Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

DOT/FHWA 217.

SYSTEM NAME:

Accounts Receivable. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),

Federal Highway Administration (FHWA),
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals indebted to the Federal Highway Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Amount of indebtedness.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To control accounts receivable.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in indexed loose-leaf book.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Supervised by Chief, General Ledger and Funds Control Section.

RETENTION AND DISPOSAL:

Schedule 7, Expenditure Accounting Records, of General Records Schedules (FPMR-101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Ledger & Funds Control Section,
Department of Transportation,
Federal Highway Administration,
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Employer.

DOT/FHWA 219.

SYSTEM NAME:

Employee Utilization (monthly report). DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation,
Federal Highway Administration,
Data Systems Division,
400 7th Street, SW, Room 2410,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All computer programmers and systems analysts in the Data Systems Division (DSD), FHWA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Working file (internal).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Basis for reimbursable charges for services to other organizational elements (computer program maintenance and/or development).

Basis for Planning Staff projections of current and future workloads; estimates, etc.

Can be used to evaluate employee proficiency and productivity.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer printouts and magnetic tape.

RETRIEVABILITY:

Organization, two digit employee numbers, Project ε, operation code, date.

SAFEGUARDS:

Secure building.

RETENTION AND DISPOSAL:

Magnetically recorded data is erased on a quarterly basis.

Printouts are usually destroyed on a monthly or quarterly basis.

One complete historical printout is retained by the planning staff for long range reference.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Data System Division,
Department of Transportation,
Federal Highway Administration,
400 7th Street, SW, Room 2418,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Data Systems Division computer programmers and system analysts provide this information on a weekly basis - accounting for their various work activities plus leave, training, etc.

DOT/FHWA 220.

SYSTEM NAME:

Payroll Administration. DOT/FHWA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Highway Administration (FHWA),
Western Direct Federal Division
Office of Federal Highway Projects,
610 E. Fifth Street,
Vancouver, WA 98661.
FHWA Region 8,
555 Zang Street,
P.O. Box 25246,
Denver, CO 80225.
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the following Headquarters Elements:
Department of Transportation.
Federal Highway Administration.
Office of the Secretary of Transportation.
Federal Railroad Administration.
National Highway Traffic Safety Administration.
Urban Mass Transportation Administration.
Also:
FHWA employees in Regions 8 and 10.
Office of Inspector General (OIG).
Research and Special Programs Administration (RSPA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains all data relative to payrolling employees. Includes time, attendance, leave, gross pay and payroll deduction records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Payrolling and Leave Administration.

The purpose of each use of categories of records within the DOT/FHWA Payroll Administration is to enable the administration of the payroll function and related financial matters in accordance with applicable laws and regulations and to comply with the requirements of the Comptroller General.

System Uses:

1. For transmittal of 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.

2. For reporting tax withholding to Internal Revenue Service and appropriate state and local taxing authoritites.

3. For FICA deductions to the Social Security Administration.

4. For dues deductions to labor unions.

5. For withholdings for Health Insurance, Retirement and Federal Employees Group Life Insurance to the U.S. Civil Service Commission.

6. For charity contribution deductions to agents of charitable institutions.

7. For annual W-2 statements to appropriate taxing authoritites and the individual.

8. For providing a permanent record of actions taken pertinent to the administration of pay, leave and allowances.

9. For any of the routine uses specified in the Prefatory Statement.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Supervised by Chief, Payroll & Employee Records Section.

RETENTION AND DISPOSAL:

Schedule 2 of General Records Schedules Payrolling and Pay Administration Records (FPMR 101-11.4).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll & Employee Records Section,
Department of Transportation,
Federal Highway Administration,
Office of Fiscal Services,
400 7th Street, SW,
Washington, DC 20590.

Appropriate Finance Officer in FHWA Region 8 or 10.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, Office of Personnel and Training, Federal, State and City Tax Regulations.

DOT/FHWA 222

SYSTEM NAME:

Survey Assessing the Long-Term Effects of Relocation on Low-Income Groups

SYSTEM LOCATION:

Associate Consultants, Inc.
624 E Street, NW.
Washington, D.C. 20004 For the Federal Highway Administration, Socio-Economic Studies Division, HPP-40

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected heads of low-income households displaced by highway construction. Fifty to seventy-five respondents will be interviewed from each of the following highway relocation sites: Baltimore, Maryland; Wheeling, West Virginia; St. Petersburg, Florida; and Los Angeles, California.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning the physical characteristics of the respondents' residences prior to and after relocation, payments for mortgages or rents and utilities, adequacy of community services, respondents' opinions of the relocation program, and sociodemographic information (e.g., age, race, income, sex, number of workers in household, transportation utilized, number of children).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Relocation Assistance Division of the Federal Highway Administration will use the conclusions drawn from the survey to: 1) Analyze the longer term effects of relocation on low-income families who were relocated due to highway projects under provisions of the 1970 Relocation Assistance Act; 2) Evaluate the long-term effectiveness of the Highway Relocation Programs in relocating displaced low-income families with a minimum of harm to their social and economic well-being; and 3) Recommend changes in the relocation program to minimize long-term transition problems of low income families due to relocation. State highway agencies may also use conclusions drawn from this study to modify the administration of their relocation programs.

See also prefatory statement of general routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape

RETRIEVABILITY:

Serial number assigned to individual respondent.

RETRIEVABILITY:

a) Interviewers will keep respondent identifiers and information collected completely confidential b) Survey instruments containing respondent identifiers will be stored in locked cabinets or a locked room c) Respondent identifiers will not be on the magnetic tape containing responses from the interviews d) Upon completion of the pilot study, the list of respondent identifiers will be destroyed.

RETENTION AND DISPOSAL:

The list of respondent identifiers (names, addresses, and telephone numbers) will be retained until Phase II interviewing and coding is completed. The survey instruments and list of respondent identifiers will be destroyed upon completion of Phase II of the study. Statistical records of the questionnaire responses will be kept on tape and after completion of the main survey will be turned over to the Contract Technical Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Sociologist (Contract Technical Manager)
Transportation Socio-Economic Studies Division (HPP-40)
Office of Program and Policy Planning
Federal Highway Administration
Room 3327, 400 7th Street, SW.
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Contact System Manager.

CONTESTING RECORD PROCEDURES:

All of the information in the survey will be supplied by the individual respondents.

DOT/FRA 100.

SYSTEM NAME:

Alaska Railroad Examination of Operating Personnel. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT).
Federal Railroad Administration (FRA),
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Alaska Railroad operating employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Examination papers on rules and safety practices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determination of employees understanding of safety practices and rules of the Alaska Railroad.

Qualification for employment.

Review for promotion.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Kept under lock and key.

Only authorized Alaska Railroad officials can handle the examinations.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Access to examinations limited to Alaska Railroad officials only.

RETENTION AND DISPOSAL:

Examinations kept during employment of individual with Alaska Railroaad; upon termination, disposed of by destruction by either burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Operations Officer,
Department of Transportation,
Federal Railroad Administration,
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

NOTIFICATION PROCEDURE:

Individuals may request from the System Manager whether or not this system of records pertains to him.

RECORD ACCESS PROCEDURES:

The System Manager may allow an individual to review his score on the examination.

CONTESTING RECORD PROCEDURES:

Contest of these records, if appropriate, is through the System Manager.

RECORD SOURCE CATEGORIES:

Official examination papers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempted under Section 552a(K)6, 'testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.'

DOT/FRA 101.

SYSTEM NAME:

Alaska Railroad Personnel and Pay Management Information System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Alaska Railroad officials and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Time, attendance and leave.
Payroll data.
Payroll computation and history.
Personnel records.
Personnel Management Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Status Reports.

Personnel Strength Reports.

Payroll computation and related reports.

Record of leave accrued and used.

Labor distribution and accounting reports.

Personnel management and budget reports.

Reports to Internal Revenue Service (IRS), U.S. Treasury, Civil Service Commission (CSC), etc.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Integrated data based on mag-tape.

RETRIEVABILITY:

By Name or I.D. Number.

SAFEGUARDS:

Access to the data base is limited to computer programs. Outputs from computer programs are disclosed only to employees or officials in discharge of their official duties. Primary control is achieved through a separation of functions wherein no one person is responsible for the input processing and auditing of any given transaction.

RETENTION AND DISPOSAL:

Individual records are deleted from the automated data base at the end of the calendar year in which Alaska Railroad employment is terminated. Input document and printed outputs are disposed of by burning or shredding or transfer to a records center in accordance with established records disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Manager,
Department of Transportation,
Federal Railroad Administration,
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

NOTIFICATION PROCEDURE:

The individual who feels that this system of records pertains to him may present himself to the General Manager, The Alaska Railroad requesting confirmation.

RECORD ACCESS PROCEDURES:

Contact the system manager for access.

CONTESTING RECORD PROCEDURES:

In case of contest employee is instructed to first contact the immediate supervisor. Procedures are established which permit an employee to pursue an appeal to the General Manager, The Alaska Railroad, then to the U.S. Civil Service Commission.

RECORD SOURCE CATEGORIES:

Official Personnel Folders.
Time, attendance and leave records.
Organizational code structure.
Computations and historical record of pay.

DOT/FRA 102.

SYSTEM NAME:

Alaska Railroad Security and Freight Claims Investigatory Files. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Alaska Railroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used in routine investigatory work for the DOT/Alaska Railroad Security and Freight Claims division.

Review by General Manager or his designee.

Review by General Counsel, Alaska Railroad.

May be forwarded to U.S. Attorney to assist in prosecution where warranted.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked in fire class C Safe with combination lock.

RETRIEVABILITY:

By name.

SAFEGUARDS:

In addition to the combination safe only two officials of the railroad maintain the combination.

RETENTION AND DISPOSAL:

Records are maintained in the official safe for two years, then transferred to secured holding area for two years and then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security and Claims,
Department of Transportation,
Federal Railroad Administration,
The Alaska Railroad,
Pouch 7-2111,
Anchorage, Alaska 99510.

NOTIFICATION PROCEDURE:

Individual may confirm through the System Manager whether or not the System contains records on him or her.

RECORD ACCESS PROCEDURES:

Access of records requires the individual to contact in person or in writing the System Manager. The records in this system are exempted by Section 552(k)(2) if investigatory matter is being pursued in a court case.

CONTESTING RECORD PROCEDURES:

However, contest procedures through the System Manager and the the General Manager are available if the investigatory files are maintained for general purposes. Confidentiality of sources will be maintained.

RECORD SOURCE CATEGORIES:

Personal information provided by individual.

Confidential Statements.

Photographs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempted under Section 552a(1) (2); 'investigatory material compiled for law enforcement purposes other than material within the scope of subsection (j)(2) of this section: Provided, however, that if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal Law, or for which he would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.'

DOT/FRA 104.

SYSTEM NAME:

Confidential Statement of Employment and Financial Interest. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of the Chief Counsel,
400 7th Street, SW, Room 5101,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FRA Permanent Employees GS-13 and above, supervisors and procurement personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form on Employment and Financial Interest.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Review of Financial Interest to Employment.

Administrative References.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are maintained on standard form in a locked file cabinet located in the Chief Counsel's Office.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Physical security consists of locked file cabinet; records provided to individuals only after physical screening.

RETENTION AND DISPOSAL:

Records are maintained for a one year period. Upon receipt of new statements old records are removed and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
Federal Railroad Administration,
Office of Chief Counsel,
400 7th Street, SW, Room 5101,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Requests for information about this system should be addressed to the System Manager either in person or in writing. Prior employees must provide notarized signature or provide valid social security number.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the System Manager. If a change is valid after agency review it will be made as requested.

RECORD SOURCE CATEGORIES:

Information is provided by the individual on Standard Form DOT F 3700.1, Confidential Statement of Employment and Financial Interest.

DOT/FRA 105.

SYSTEM NAME:

Employee Travel Records. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Financial and Administrative Services, RAD-40,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FRA employees.

Private persons issued invitational travel orders to confer on government problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel logs.

Individual travel folders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide back-up to support FRA General Accounting Ledger.

Analysis of travel trends.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a file drawer secured with lock and key.

RETRIEVABILITY:

System is indexed by name.

SAFEGUARDS:

Physical security maintained by secured file system.

Individuals requesting individual travel folders are screened by accounting personnel.

RETENTION AND DISPOSAL:

Records are maintained three years then forwarded to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting Officer,
Department of Transportation,
Federal Railroad Administration,
Accounting Division,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Requests for information about this system should be addressed to the System Manager either in person or in writing.

RECORD ACCESS PROCEDURES:

Access of records requires the individual to contact in person or in writing the System Manager.

CONTESTING RECORD PROCEDURES:

Initial contest of any record will be with the System Manager; if resolvement at this level is not satisfactory the individual may file an appeal in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Individual Travel Vouchers.

DOT/FRA 106.

SYSTEM NAME:

Occupational Safety and Health Reporting System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Administration,
Office of Management Systems, RAD-20,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FRA employees (injury-illnesses).

FRA employees involved in government property accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Federal Occupational Injuries and Illnesses Survey (Standard Form OSHA-102).

Departmental Accident/Injury Reports DOT Forms 3902.1-8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain accident records per departmental orders.

Provide data to Office of the Secretary.

Develop causative trends.

Use for corrective accident prevention.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on copies of basic documents.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Physical security consists of file drawer with data; records provided to authorized individuals by FRA Safety Manager after physical screening.

RETENTION AND DISPOSAL:

Records are retained for five years. Documents are then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

FRA Safety Manager,
Department of Transportation,
Federal Railroad Administration,
Office of Administration,
Office of Management Systems, RAD-20,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the Systems Manager either in person or in writing. If written the individual must provide a notarized signature, or provide a valid social security number.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the System Manager. If a change is valid after System Manager review it will be made as requested. If resolvement is not possible at this level an appeal may be filed in writing with the Secretary of Transportation addressed as follows:

Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Documents provided by the individual.

DOT/FRA 112.

SYSTEM NAME:

Personnel and Pay Management Information System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Personnel and Training, RAD-10,
400 7th Street, SW, Room 8125,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Federal Railroad Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll data.

Personnel records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Status Reports.

Personnel Strength Reports.

Payroll computations and related reports.

Personnel Management and Budget Reports.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Integrated data based on magnetic tape, reports are prepared on computer readable form.

RETRIEVABILITY:

By name or I.D. number.

SAFEGUARDS:

Access to programs limited to employees or officials of the Transportation Computer Center (TCC).

RETENTION AND DISPOSAL:

Individual records are deleted from automated data base at end of calendar year in which separation occurs.

Computer readable programs are destroyed in accordance with established internal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel and Training, RAD-10,
Department of Transportation,
Federal Railroad Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Any individual who feels that this system of records pertains to him may visit or write the System Manager at the address in 'System Manager: requesting confirmation.

RECORD ACCESS PROCEDURES:

Contact the System Mananger for access.

CONTESTING RECORD PROCEDURES:

Employee should, in case of contest, contact the System Manager. Procedures are established which permit an employee to pursue appeal through agency levels to U.S. Civil Service Commission.

RECORD SOURCE CATEGORIES:

Official personnel folders.
Time, attendance and leave records.
Organizational code structure.
Computations and historical records.

DOT/FRA 113.

SYSTEM NAME:

Regional Personnel Convenience Files. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT).
Region 1, Federal Railroad Administration.
150 Causeway Street,
Boston, Mass. 02114
Region 2, Federal Railroad Administration (FRA),
Independence Building, Room 1020,
434 Walnut Street,
Philadelphia, PA 19106.
Region 3, Federal Railroad Administration,
Suite 440, North Tower,
1720 Peachtree Rd., N.W.
Atlanta, GA 30309.
Region 4, Federal Railroad Administration,
536 South Clark Street,
Chicago, IL 60605.
Region 5, Federal Railroad Administration,
819 Taylor Street, Room 11A23,
Fort Worth, TX 76102.
Region 7, Federal Railroad Administration,
911 Walnut Street,
Rm. 1807, Federal Building,
Kansas City, MO 64106
Region 6, Federal Railroad Administration,
2 Embarcadero, Suite 630,
San Francisco, CA 94111.
Region 8, Federal Railroad Administration,
421 Southwest Fifth Avenue
Portland, Oregon 97204

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Supervisory Inspectors.
Federal Safety Inspectors.
Federal clerical personnel.
Regional Directors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 52.
Standard Form 171.
Performance evaluations.
Within grade increases.
Travel authority and vouchers.
Use of Government-owned vehicles and authority.
Training records.
Payroll and leave records.
Copies of commendations and awards.
Work measurement records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the individual's use.
Schedule training.
Statistics to recommend personnel actions.
Administrative reference material.
Budgetary information material.
Technical information material.
Work territory assignments.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained from copies of original documents.

RETRIEVABILITY:

The system is indexed by name.

SAFEGUARDS:

Physical security is maintained by locked file cabinets.

Any individual requesting data is screened by the Regional Director's secretary.

RETENTION AND DISPOSAL:

Personnel records are retained until employee is terminated, retired, or transferred.

Records are then disposed of as trash.

Records used for budgetary purposes are retained for 1 year then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

The responsible System Manager for each regional system is the Regional Director. The location is identical to those previously listed.

NOTIFICATION PROCEDURE:

The individual may present himself to the Regional Office (Regional Director) to inquire about whether this system of records applies to him either in person or in writing.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records will be at the Regional level, if resolvement is not satisfactory to the individual at that level an appeal may be field in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Informational copies provided by the individual.

Informational copies provided by Office of Personnel.

Informational copies generated by on-going work programs.

DOT/FRA 114.

SYSTEM NAME:

Transportation Test Center Employee Service Record File. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT).
Federal Railroad Administration (FRA),
Transportation Test center,
Pueblo, CO 81001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees of the Transportation Test Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal data submitted by individuals.
Personnel actions.

Training data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record of personal data on SF 7.
Computer service computations dates.
Review performance ratings.
Follow-up dates for within-grade pay increases.
Training data used to determine training needs.
Awards information.
Used to prepare manpower and budget reports and requests.
Used in preparing requests for personnel actions.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Service records are maintained by a clerk during working hours. File cabinet is secured by lock during non-duty hours.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Physical Security is maintained by locked file cabinet.
Physical screening is insured by clerk who cannot release records without approval.

RETENTION AND DISPOSAL:

Each individual's service record is maintained until termination of employment. After termination record is maintained for one year and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Transportation Test Center, Department of Transportation, Federal Railroad Administration, Transportation Test Center, Pueblo, CO 81001.

NOTIFICATION PROCEDURE:

The individual who feels that this system of records pertains to him may write or present himself to the Director, Transportation Test Center (System Manager) requesting confirmation.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records, if appropriate, may be settled by informal communication. If this is unsatisfactory to the individual, the person may file an appeal in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Information supplied by employee.
Personnel actions, SF 50.
Evaluation and training forms.
Information supplied by supervisors.

DOT/FRA 115.

SYSTEM NAME:

Travel Advance Records. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Office of Financial and Administrative Service, RAD-40,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All FRA employees.
Private persons traveling on government request.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel Advance Card.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain accounting records.
Ensure collection of amounts due to the U.S.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file drawer.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records controlled by Accounting Division personnel.

RETENTION AND DISPOSAL:

Retained three years then forwarded to Federal Record Center with other accounting records.

SYSTEM MANAGER(S) AND ADDRESS:

Accounting Officer,
Department of Transportation,
Federal Railroad Administration,
Accounting Division,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals may contact the System Manager to confirm whether or not the system contains a record on them.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may file an appeal in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Travel advance card signed by individual, forwarded to Accounting Division.

DOT/FRA 116.

SYSTEM NAME:

Work Measurement System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Associate Administrator for Safety (RRS-1),
400 7th Street, SW, Room 5418,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Federal Railroad Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Work Measurement Reports submitted by individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Staffing and manpower justifications.
Budget presentations.
Review of performance efficiency and effectiveness to FRA objectives.
Reports to BLS, JFMIP, and other interested productivity oriented agencies.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape (mag-tape).

RETRIEVABILITY:

By payroll identification number.

SAFEGUARDS:

Computer safeguards maintained by DOT Transportation programs are sensitive file retrieval computer systems.

RETENTION AND DISPOSAL:

Mag-tape is kept for 5 years, computer printouts retained 2 years. Disposal by usual disposal methods.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Administrator for Safety (RRS-1),
Department of Transportation,
Federal Railroad Administration,
400 7th Street, SW, Room 5418,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the System Manager either in person or in writing.

RECORD ACCESS PROCEDURES:

Access of records requires the individual to contact in person or write the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the System Manager. If resolvement is not possible through the System Manager, an appeal may be filed in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Input from FRA employees on FRA Form F 53, Work Measurement Report.

DOT/FRA 118.

SYSTEM NAME:

Transportation Test Center Cost Tracking System. DOT/FRA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Federal Railroad Administration (FRA),
Transportation Test Center,
Pueblo, CO 81001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Operations and Maintenance (O&M) contractor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee weekly time cards.
Employee work order charges.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the individual's use.
Administrative reference material.
Budgetary information material.
Technical information material.
DOT/FRA and other Government agencies that need Project/Work Order Cost Accounting Data.
Statistical purposes such as labor utilization assessment.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

O&M contractor employee labor distribution records are stored on magnetic tape files.

RETRIEVABILITY:

The system is indexed by name and employee clock number.

SAFEGUARDS:

Primary system record input and output control is assigned to the Operations and Maintenance Contractor Accounting Office which functions as a single point interface with data processing operations.

RETENTION AND DISPOSAL:

Employee labor distribution records are retained in fiscal year transaction history files on magnetic tapes. Input document (employee time cards) and printed output are disposed of after three years from termination of the O&M contract.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Transportation Test Center,
Department of Transportation,
Federal Railroad Administration,
Pueblo, CO 81001.

NOTIFICATION PROCEDURE:

Any individual who wishes to inquire about whether this system of records applies to him may request confirmation from the System Manager.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager who will notify the appropriate O&M Project Manager.

CONTESTING RECORD PROCEDURES:

Contest of record content will be with the System Manager. If resolvement at this level is not satisfactory the individual may file an appeal in writing with the Secretary of Transportation addressed as follows:
Department of Transportation,
Federal Railroad Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 5101,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee time cards.

DOT/FRA 130.

SYSTEM NAME:

Railroad Safety-Noncompliance by Individuals.

SYSTEM LOCATION:

Federal Railroad Administration,
Office of Chief Counsel,
Enforcement Division (RCC-40),
400 Seventh Street, S.W.,
Washington, D.C. 20590.

SECURITY CLASSIFICATION:

None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals that fail to comply with certain railroad safety statutes and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Facts and circumstances surrounding rail safety violations by individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.), Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.), 18 U.S.C. 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be reviewed by the Enforcement Division and may form the basis of, or support for, civil and/or criminal enforcement action against the individual(s) involved.

Records may be released to the Department of Justice where criminal sanctions are sought against the individual(s) involved, or where litigation becomes necessary for the collection of a civil penalty.

Prefatory General Routine Uses 3 and 5 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, locked file cabinet.

RETRIEVABILITY:

The names of the individual and his or her employer are the identifiers used to retrieve a record from this system.

SAFEGUARDS:

Disclosure of records is limited to FRA employees involved in collection and legal review of compliance information. Safeguards include locked building, guard service and locked file cabinet.

RETENTION AND DISPOSAL:

Each record will be retained at the offices of the Enforcement Division for a period of three years following final disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Legal Technician,
Enforcement Division,
Office of Chief Counsel,
FRA,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to:
Assistant Chief Counsel,
Enforcement Division,
Office of Chief Counsel,
FRA,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

RECORD ACCESS PROCEDURES:

Contact (202-426-8285) or write to System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Write the Privacy Act Officer, Office of Management Systems, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from other persons with personal knowledge of the facts and circumstances involved.

DOT/FRA 131

SYSTEM NAME:

Office of Safety Investigation Case File System

SYSTEM LOCATION:

Department of Transportation,
Federal Railroad Administration,
Office of Safety,
RRS-11,
400 7th Street, S.W.,
Washington, D.C. 20590.

SECURITY CLASSIFICATION:

None

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are employed by railroads, Officers of Unions representing Railroad Employees, Individual Citizens, Officials of State, County and City Governments, Lawyers representing Individuals and Civic Groups, Officers of Railroads and other parties interested in Railroad Safety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq), Federal Railroad Safety Act of 1970 (45 U.S.C. et seq), Hours of Service Act (45 U.S.C. 61 et seq), Safety Appliance Act (45 U.S.C. 1 et seq).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Prefactory General Routine Uses 3, 5, and 6 do not apply. Records will be reviewed by the Associate Administrator for Safety and his staff to form this basis for accomplishment of the mission of the FRA's Office of Safety.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

file folders, locked and secured in office

automated tracking system, entry by Identification Password only.

SAFEGUARDS:

Disclosures of records is limited to FRA employees involved directly with investigations, their review, or in prosecution of vilolators, except where disclosures are provided for by the General Routine Uses. Physical safeguards include locked building, office and guard service.

RETENTION AND DISPOSAL:

Each record file will be retained at the Office of Safety Programs. File records will be retained for a period of three years and automated tracking system will be retained for a period of five years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Program Guidance and Enforcement Division,
Federal Railroad Administration,
Office of Safety,
400 Seventh Street, S.W.
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be made direct to:
Associate Administrator for Safety,
Federal Railroad Administration,
400 Seventh Street, S.W.,
Washington, D.C. 20590.

RECORD ACCESS PROCEDURES:

Contact the System Manager for Access.

CONTESTING RECORD PROCEDURES:

Write The Privacy Act Officer, Office of Management Systems, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual and from other persons with personal knowledge of the facts and circumstances involved.

DOT/NHTSA 400.

SYSTEM NAME:

National Highway Safety Advisory Committee Membership/Nominee Files. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT).
National Highway Traffic Safety Administration (NHTSA),
400 7th Street, SW, Room 5215-D,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members, past members, and nominees for membership on a committee dealing with highway safety.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information (date and place of birth; education; current and past experience).

Appointment papers (oath; withholding form).

Photograph.

Travel vouchers.

Compensation payment forms.

Miscellaneous correspondence from and to members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files are maintained on members and nominees for use in specific situations, i.e., biographical information to be used for meetings, conferences, news articles when pertinent and when needed for recommendations for membership on committee.

Used only by support staff members.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Locked files.

RETENTION AND DISPOSAL:

Records are stored indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5215,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
Privacy Act Coordinator,
400 7th Street, SW, Room 5217,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

All information has been obtained from the individual upon appointment to the advisory committee, or, in the case of nominees, on that individual's behalf by another person or organization.

DOT/NHTSA 401.

SYSTEM NAME:

Docket System. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Informatics Inc.,
6000 Executive Boulevard,
Rockville, MD 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have commented on notices of NHTSA appearing in the Federal Register.

Authors of reports which are added to the docket as background information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of the nature of the comment or the report, date written and filed, author affiliation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To gather information on responses to rules promulgated by NHTSA. Users are both NHTSA staff members and public.

Other uses include searching for background data on standards, determining areas for further research, and preparation for litigation.

Prefatory Statement of General Routine Uses apply where feasible.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are maintained in a Technical Reference Library.

RETENTION AND DISPOSAL:

Indefinitely held.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technical Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems, Room 4109,
400 7th Street, SW,
Washington, Dc 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
Technical Reference Branch,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

From letters freely sent to NHTSA by the public; publications used by engineers in writing standards.

DOT/NHTSA 402.

SYSTEM NAME:

Highway Safety Literature Personal Author File. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Informatics Inc.,
6000 Executive Boulevard,
Rockville, MD 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Writers of technical articles and reports who have authored publications selected for inclusion in the abstract journal Highway Safety Literature.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bibliographic information giving title of article, book, or paper written; journal or other publication in which it appears; date of publication; abstract.

The file is similar in nature to the card catalog of a library.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Users are principally NHTSA staff members and their contractors who require literature searches prior to performing research.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are stored in file cabinets.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technical Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Technical Reference Branch,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Publications related to highway safety.

DOT/NHTSA 403.

SYSTEM NAME:

Active Contract Run. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHTSA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

List of names of contract specialists and contract technical managers managing active NHTSA contracts and agreements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used in routine contract administration.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch cards.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are maintained in a secured offfice.

RETENTION AND DISPOSAL:

Retained for life of contract; destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee job assignments.

DOT/NHTSA 404.

SYSTEM NAME:

Alcohol Projects. DOT/NHTSA.

SYSTEM LOCATION:

In connection with the Alcohol Safety Action Program of the:
Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHT):
Systems of records are maintained at various locations, as follows:
ASAP Staff Office and ASAP Probation,
22nd floor, City Hall,
Kansas City, MO 64106.
School for Alcohol Safety,
Greater Kansas City Area Safety Council,
714 East 12th Street,
Kansas City, MO 64106.
Community Alcohol Programs,
VFW Building,
406 East 34th Street,
Kansas City, MO 64111.
Kansas City, Missouri, Police Department,
Computer Division,
1125 Locust Street,
Kansas City, MO 65106.
The following offices in Sioux City, Iowa at the address immediately following:
ASAP Police, Court Service Office, Social Science Research Center, Woodbury County Sheriff's Office, Sioux Council on Alcoholism, City Data Processing Center, County Attorney.
ASAP,
Benson Building,
Room 246,
Sioux City, IA 51101.
Siouxland Council on Alcoholism,
St. Vincent Hospital, Room 210,
Box 3168,
Sioux City, IA 51102.
Backup Disk File,
Vault in Lewis Hall,
Morningside College,
Sioux City, IO 51106.
The following offices in Puerto Rico: Courts Administration, Adult Probation Dept., Dept. of Transportation and Public Works, Dept. of Alcohol and Drug Addiction, Institute of Legal Medicine, Dept. of Health, Police Dept.
The following offices in Nassau County, New York: Nassau County Police Dept., Nassau County Traffic Safety Board, Nassau County Central Traffic Court, N.Y. Dept. of Motor Vehicles.
Idaho Traffic Safety Commission,
Statehouse,
Boise, ID.
Department of Motor Vehicles,
Columbus, GA.
Department of Motor Vehicles,
Richland County, SC.
Department of Motor Vehicles,
Tampa, FL.
University of North Carolina,
Highway Safety Research Center (HSRC),
Chapel Hill, NC 27514.
Alcohol Safety Action Project,
17 South Second Avenue, Room 402,
Phoenix, AZ 85003.
Management Information System,
City of Phoenix,
251 West Washington Street,
Phoenix, AZ 85003.
Human Factors Laboratory,
Department of Psychology,
Old Union Building,
University of South Dakota,
Vermillion, SD 57069.
City Court Rehabilitation-Probation Center,
17 South Second Avenue,
Phoenix, AZ 85003.
Department of Highways,
Division of Highway Safety,
Office of Alcohol-Driving Countermeasures,
4201 E. Arkansas Avenue,
Denver, CO 80222.
Southwest Research Institute,
Dept. 22,
8500 Culebra Road,
P.O. Drawer 28510,
San Antonio, Texas 78284.
Alcohol Safety Action Project,
140 Main Plaza,
San Antonia, TX 78205.
McDonnell Douglas Automation Company,
Huntington Beach, CA.
San Antonio Alcohol Safety Action Project,
Problem Drinker Evaluation Center,
200 Main Plaza, Suit 104,
San Antonio, TX 78105.
Corporate Computer Center,
4100 Chain Bridge Road,
Fairfax, VA 22030
Mississippi State University,
Social Science Research Center,
Mississippi State, MS 39762.

Program on Alcohol and Drug Abuse,
66 South Street,
Concord, NH 03301.
New Hampshire Alcohol Safety Action Project,
105 Loudon Road,
Concord, NH 03301.
Dunlap and Associates, Inc.,
One Parkland Drive,
Darien, CT 06820.
Hennepin County ASAP,
625 Second Avenue South, Room 404,
Minneapolis, MN 55402.
STR Project,
11a Government Center,
Minneapolis, MN 55402.
Data Processing,
City Hall,
Stockton, CA 95202.
Bureau of Motor Vehicle Services,
District of Columbia,
Department of Transportation,
301 C Street, NW,
Washington, DC 20001.
ASAP Offices,
142 High Street,
Portland, ME 04101.
ASAP,
211 Congress Street,
Ninth Floor,
Boston, MA 02110.
Project CRASH,
Division of Alcohol Services,
Department of Mental Health,
Waterbury, VI 05676.
Los Angeles County Alchohol Safety Action Project,
311 South Spring Street, Suite 700,
Los Angeles, CA 90013.
New Orleans ASAP,
545 St. Charles Avenue,t302,
New Orleans, LA 70130.
Oklahoma City ASAP,
Hightower Building, Suite 529,
105 North Hudson,
Oklahoma City, OK 73102.
Puerto Rico ASAP,
Traffic Safety Commission,
P.O. Box F.I.,
Santurce, PR 00910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vehicle operators having committed alcohol-related driving violations.

CATEGORIES OF RECORDS IN THE SYSTEM:

DMV records, police arrest and citation records, court and probation records, various official and social services rehabilitation records, and voluntary personal interviews.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to evaluate the status of activities within a project, including the status of different groups for purposes of subsequent comparison and analysis, such as recidivism rates. Reports and management information are compiled, using statistical and comparative analysis of the records, which may be released to relevant authorities mon- itoring the progress of the project.

Data contained in these systems of records may be routinely distributed to the lower courts,police departments, public health services, probation authorities, or juvenile and rehabilitation services within the system if that agency's purpose for maintaining the records is compatible with the Project usage.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punch-card, disk, paper files, magnetic tape.

RETRIEVABILITY:

Individual name, ID number, social security number.

SAFEGUARDS:

Locked file cabinet, code and restricted access.

RETENTION AND DISPOSAL:

Two years after project termination.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Demonstration Management Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Driver and Pedestrian Programs,
400 7th Street, SW, Room 5130,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as Location.

RECORD ACCESS PROCEDURES:

Letter of request to the System Manager (see address above) with notarized statement as to personal identification.

CONTESTING RECORD PROCEDURES:

See address of 'System Manager' above.

RECORD SOURCE CATEGORIES:

Local law enforcement, court, health, and motor vehicle division records.

DOT/NHTSA 406.

SYSTEM NAME:

Diagnostic Inspection Demonstration Project. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Computer Sciences Corporation,
6231 Leesburg Pike,
Falls Church, VA 22046.
State Demonstration Project Office,
Huntsville, AL.
Demonstration Project Office,
Washington, DC.
State Demonstration Project Office,
Chattanooga, TN.
Demonstration Project Office,
San Juan, PR.
State Demonstration Project Office,
Phoenix, AZ.
Department of Transportation,
Commonwealth of Puerto Rico,
San Juan, PR.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Auto vehicle owners.

CATEGORIES OF RECORDS IN THE SYSTEM:

For each automobile inspected in the program, the diagnostic inspection records contain pass/fail/advise information on each safety or emissions related item inspected at each state inspection facility. These inspection items include:

Federal vehicle-in-use inpsection standards and EPA emission standards.

Individual state statutory inspection requirements.

Other inspection items as added by each participating state.

In addition to these P/F/A results, quantitative data are included on emissions, front-end alignment and engine analysis. The original hard copy also contains the name and address of participating motorists.

System repair cost records contain the parts and labor costs associated with the inspection results. Most of the original repair cost data-forms contain the name and address of the repair facility as well as the name and address of the participating motorist.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system is routinely used monthly by CSC to perform in-progress evaluations for NHTSA project personnel on the evaluation areas specified in Title III of the Motor Vehicle Information and Cost Savings Act (PL 92-513).

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape, punched card, and hard copy original data forms.

RETRIEVABILITY:

Computer stored data are indexed by vehicle identification number (VIN), vehicle year, vehicle make/model code, and inspection site code; the hard copy original data forms are indexed by VIN and cross-indexed by vehicle owner name and address.

SAFEGUARDS:

For computer stored information standard security established by GSA users of INFONET is used, computer system access is limited to authorized users; the hard copy original data forms are stored in locked file cabinets after handling and keypunching by authorized project personnel.

RETENTION AND DISPOSAL:

All records will be retained by the contractor for the duration of the contract; at the conclusion of the contract the contractor will furnish to NHTSA all data forms, data tape records, and punched cards developed and received as a result of the contract.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Engineering and Demonstration Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of State Vehicle Program,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Apply to applicable address in 'System Location' above.

RECORD ACCESS PROCEDURES:

Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

State and local vehicle records; gathered from voluntary interviews.

DOT/NHTSA 408.

SYSTEM NAME:

Experts and Consultants List. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals desiring to serve as experts and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Professional abilities of individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to provide identification of individuals available to serve as experts and consultants.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Material is stored on bonded paper.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are stored in a secured office area.

RETENTION AND DISPOSAL:

Indefinite and discarded when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Information submitted by individuals.

DOT/NHTSA 409.

SYSTEM NAME:

Federal Motor Vehicle Safety Standards (FMVSS) Compliance. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Validation Division,
2100 2nd Street, SW, Room 3222,
Washington, DC 20590.
Region IX, NHTSA,
450 Golden Gate Avenue
Box 36112,
San Francisco, CA 94102.
Region II, NHTSA,
200 Mannaroneck Avenue,
White Plains, NY 10601.
Region X, NHTSA,
3140 Federal Building,
915 Second Avenue,
Seattle, WA 98174.
Region IV, NHTSA,
Suite 400,
1720 Peachtree Road, NW
Atlanta, GA 30309.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals suspected of violation of FMVSS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data gathered regarding alleged non-compliance of FMVSS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used to assist investigations of alleged violators, and in the effort to secure proper compliance.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper file, microfilm, disc.

RETRIEVABILITY:

Fiscal year, date, name, number.

SAFEGUARDS:

Stored in locked file cabinets in a security room.

RETENTION AND DISPOSAL:

Indefinite or until obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Vehicle Safety Compliance,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Write or visit applicable office at address in 'System Location' above.

RECORD ACCESS PROCEDURES:

Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Manufacturers, importation officials, dealers, purchasers, inspector, informants.

DOT/NHTSA 410.

SYSTEM NAME:

General Public Inquiries. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of the Executive Secretary,
Room 5127
Office of Public Affairs and Consumer Participation
Room 5232
400 7th Street, SW
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inquiries from the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Control cards identifying incoming correspondence from individuals who are requesting information, jobs, device - testing, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference purposes.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Filed in trays in file cabinet.

RETRIEVABILITY:

By individual name or control number.

SAFEGUARDS:

Conserva-Files; locked when not in use.

RETENTION AND DISPOSAL:

Records are retained for one year and are then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
Privacy Act Coordinator,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure'.

RECORD SOURCE CATEGORIES:

Individuals and organizations.

DOT/NHTSA 411.

SYSTEM NAME:

General Public Correspondence System. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of the Executive Secretary,
400 7th Street, SW, Room 5217,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have requested information or advice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files containing correspondence with individuals who have requested information or advice on promoting devices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reference purposes.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Conserva-Files; locked when not in use.

RETENTION AND DISPOSAL:

Records are retained for one year and are then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Executive Secretary,
Privacy Act Coordinator,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See 'Notificaton Procedure' above.

CONTESTING RECORD PROCEDURES:

See 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Individuals.

DOT/NHTSA 412.

SYSTEM NAME:

Manpower Training File. DOT/NHTSA.

SYSTEM LOCATION:

Office of Governor's Highway Safety Representative in each State.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons receiving highway safety training under 23 USC 402.

CATEGORIES OF RECORDS IN THE SYSTEM:

Type and length of training and completion dates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Aggregation for report to Congress on total individuals trained.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Records are stored in file cabinets.

RETENTION AND DISPOSAL:

Records are retained for 3 years; then sent to State Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Manpower Development Division, N42-22,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Write or visit the System Manager in the applicable State Traffic Safety Commission Office.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Applications filed by individual or employer.

DOT/NHTSA 413.

SYSTEM NAME:

Odometer Rollback. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT):
National Highway Traffic Safety Administration (NHTSA):
Office of Fuel Economy Compliance,
Associate Administrator for Enforcement,
400 7th Street, SW, Room 4109,
Washington, DC 20590.
Automated Sciences Group, Inc.,
Summit Office Building, Suite 713,
8555 16th Street, Silver Spring, MD 20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private individuals who may be involved in odometer rollbacks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alleged circumstances surrounding odometer rollbacks on used cars sold or offered for sale. Information is used to assist in investigations of alleged violators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data is made available to legal authorities for appropriate action.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Locked file.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
National Highway Traffic Sagety Administration,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Fuel Economy Compliance,
400 7th Street, SW, Room 4109,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

Individual complaint by used car purchaser, automobile dealers, state agencies.

DOT/NHTSA 415.

SYSTEM NAME:

Motor Vehicle Defects. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Traffic Safety Highway Administration (NHTSA),
Office of Defects Investigation,
400 7th Street, SW, Room 5328
Washington, DC 20590.
Sterling Systems, Inc.,
4340 Connecticut Avenue,
Washington, DC 20008.
Informatics, Inc.,
7926 Jones Branch Drive, Suite 272,
McLean, VA 22101.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vehicle owners.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vehicle identification, vehicle problem, vehicle owner.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Check complaints about vehicle defects to spot trends, resulting in investigations of the vehicle model.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Disc pack and paper file.

RETRIEVABILITY:

Identification number for each vehicle owner.

SAFEGUARDS:

Coded entry numbers.

RETENTION AND DISPOSAL:

Three years or indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information System Staff
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Defects Investigation,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Write or visit the applicable address in 'System Location' above.

RECORD ACCESS PROCEDURES:

Same as 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager' above.

RECORD SOURCE CATEGORIES:

General public, State highway offices, insurance companies, vehicle manufacturers.

DOT/NHTSA 416.

SYSTEM NAME:

Offerors Data Bank. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual on the offerors mailing list.

CATEGORIES OF RECORDS IN THE SYSTEM:

History of response or non-response to Requests for Proposal provided to the individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to provide history of responses to Requests for Proposal.

Used as a purging system for the offerors mailing list.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms, magnetic tape.

RETRIEVABILITY:

Name, codes of contractual fields of interest.

SAFEGUARDS:

Records are stored in a locked file cabinet.

RETENTION AND DISPOSAL:

Indefinitely; destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC. 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Contracts and Procurement,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Information from individual letters or proposal submissions to Requests for Proposal.

DOT/NHTSA 417.

SYSTEM NAME:

National Driver Register (NDR). DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Driver and Pedestrian Programs,
National Driver Register Office,
400 7th Street, SW, Room 6134,
Washington, DC 20590.
Master file is located at:
Transportation Computer Center,
400 7th Street, SW, Room 2401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have had their driver's license denied, withdrawn, revoked or suspended as reported by State/Territorial driver licensing authorities.

CATEGORIES OF RECORDS IN THE SYSTEM:

NDR records include: the reporting jurisdiction, the subject's full name, other names used, date of birth, driver license number and/or social security number (if used by the reporting jurisdiction), sex, height, weight, eye color, the reason for withdrawal, the date of the withdrawal, and the date eligible for restoration of driving privilege or the date license was actually restored.

It should be noted that very frequently the physical data is not provided by the reporting agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide identification of drivers who have had their licenses withdrawn, suspended, revoked or otherwise denied in response to inquiries from State or Federal driver licensing agencies relative to driver license applicants.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The NDR master file is maintained on magnetic tape.

Source data: i.e., manual input (forms, letters) are retained in that form.

Source data received on magnetic tape are converted into printed listings.

All source data is batch filed.

RETRIEVABILITY:

The magnetic tape master file is indexed by surname and refined by program application of screening criteria involving given names, date of birth and physical characteristics.

Source data batch files are indexed by the processing date as determined from test inquiry of the master file. A manual search of the appropriate batch is then required to access the specific record.

SAFEGUARDS:

The master file is kept in the Transportation Computer Center, a limited access area.

The source data files are maintained in a building under surveillance of a 24 hour guard force.

In addition, the spaces in which the files are maintained are equipped with lockable doors which are locked when vacated.

All personnel have met the investigative requirements for secret classified matter.

In addition, all NDR employees are orally briefed on NDR security requirements and their responsibilities.

RETENTION AND DISPOSAL:

Records of actions that have been cancelled or rescinded are purged from the file upon receipt of notification from the reporting jursidiction. Other records are retained for seven or five years depending on the reason for withdrawal of the individual's license.

Withdrawals for drunk driving, hit and run, fatal accident, felony and misrepresentation are retained for seven years.

Records of 'habitual offenders' as stipulated by certain states are retained indefinitely, unless otherwise requested by the reporting state.

All other master file records are retained for five years.

Source data files are retained for one year.

Magnetic tape records are erased by degaussing, using 86db degaussing equipment, prior to disposing of the tapes.

Paper source data reports of withdrawal are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Driver Register,
National Highway Traffic Safety Administration, NTS-15
Department of Transportation, Room 6134,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Mailed inquiries should be addressed as above under 'System Manager.'

For inquiries made in person, the inquirer should present himself at the National Driver Register office at the following location:

400 7th Street, SW, Room 6134,
Washington, DC 20590.

In order to conduct a file search the requesting party must provide:

Full legal name,

Other names used (nickname, professional name, maiden name),

Date of birth,

Sex,

Height,

Weight,

Color of eyes,

Social security number and/or driver license number (provision of the social security number is voluntary).

In addition, although not mandatory, it would help to more positively identify any records we may have concerning the inquirer if the following information is included:

The reason his/her driver license was withdrawn or denied.

The date of the action.

The State which took the action.

An inquirer presenting himself/herself in person should have at least two means of identification sufficient to reasonably insure that he/she is who he/she purports to be.

For mailed inquiries the foregoing identification elements should be included in the form of a notarized affidavit and addressed to the System Manager.

RECORD ACCESS PROCEDURES:

An individual desiring to obtain information on procedures to obtain his or her record (s) should contact the Chief, National Driver Register, at the address under 'System Manager' above.

CONTESTING RECORD PROCEDURES:

To obtain information on procedures to contest records one should contact the Chief, National Driver Register, at the address in 'System Manager' above.

With regard to contesting records it must be realized that the file is made up of State records. As such, these can only be changed or corrected by the reporting State. The records in the Driver Register file are changed only when advised by the originating jurisdiction.

RECORD SOURCE CATEGORIES:

The records comprising the National Driver Register file are provided by States, District of Columbia, Puerto Rico, Canal Zone, Virgin Islands and Guam driver licensing administrators or the agency within the jurisdictions responsible for such records.

DOT/NHTSA 422.

SYSTEM NAME:

Temporary Exemption Petitions. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Petitioners (commercial entities) seeking exemption from Federal motor vehicle safety standards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Income statement and balance sheets, production information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For consultation by attorneys while file is active; copies in public docket.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Office files.

RETRIEVABILITY:

Temporary exemptions; filed by individuals' names.

SAFEGUARDS:

Available only to the System Manager and his secretary.

RETENTION AND DISPOSAL:

Thus far all records have been retained.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Staff Attorney,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Submitted by petitioners.

DOT/NHTSA 423.

SYSTEM NAME:

Vendor Edit Table Listing (Employees). DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Financial Management,
400 7th Street, SW, Room 5115,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHTSA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name.

Employee number.

Residence - City, County, State, Zip Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employee travel orders are controlled by employee number to maintain a record of authorized travel and the related expenses for each trip. This file is assessed to match the employee number coded from the travel order and the voucher and for retrieval of this data for the travel report by organization and by individual.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Disc.

RETRIEVABILITY:

Table is indexed by employee number (vendor number).

SAFEGUARDS:

System operators are identified as individuals given authority for processing data in terminal room.

No others are allowed access to data.

Job controls (JCL's) for retrieval of data are kept in locked cabinet under custody of System Manager.

RETENTION AND DISPOSAL:

Table maintenance is the responsibility of the System Manager who adds new employee data as it is received from Personnel Director. Deletions are also controlled by the System Manager, as employees retire or otherwise leave the agency.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Policies and Procedures Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Financial Management,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Address inquiries to the Privacy Act Coordinator at the address under 'System Manager'. Requests for data may be made by any employee of NHTSA. Requests must be in writing and identify:
System Name: DOT/NHTSA FMS-940.
Employee number.
Employee name.

RECORD ACCESS PROCEDURES:

All inquiries as to procedures for gaining access to records shall be directed to:
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Financial Management,
400 7th Street, SW, Room 5115,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Source of data is from the Office of Personnel Management, NHTSA.

DOT/NHTSA 424.

SYSTEM NAME:

Offerors Mailing List. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Contracts and Procurement,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Offerors that may bid on Requests for Proposal as individuals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Offerors name, address, and NHTSA areas of interest that the offeror wishes to bid on.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to identify suppliers to fulfill NHTSA requirements.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms; magnetic tape.

RETRIEVABILITY:

Name, codes of contractual field of interest.

SAFEGUARDS:

The records are maintained in a secure area.

RETENTION AND DISPOSAL:

Indefinitely and destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Contracts and Procurement,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Write or visit the System Manager at the address in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

From the individual himself.

DOT/NHTSA 427.

SYSTEM NAME:

Statement of Employment and Financial Interest. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals encumbering positions listed in Appendix C of Part 99 Title 49 CFR.
Special government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain Statements of Financial Interest including but not limited to stocks, bonds and real estate that are held by individuals whose records are in the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Financial statements are reviewed by the Director, Office of Personnel Management or his delegate to ascertain conflicts or apparent conflicts of interest between the holdings of individuals and the discharge of the individual's official duties.
Assistance of the NHTSA Chief Counsel or his delegate may be secured in the determination process.
Where potential conflict may arise the individual is contacted by the Chief Counsel or his delegate to attempt to resolve the issue.
Should further action be necessary the Administrator NHTSA may attempt to resolve the issue.
If necessary, remedial action may be instituted to resolve the conflict.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on forms DOT F 3700.1 and DOT F 3700.2.

RETRIEVABILITY:

Records are retrieved by individual's name.

SAFEGUARDS:

Records are stored in safes or locked files. Access is only by authorized individuals on a 'need to know' basis.
Personnel screening is employed to prevent unauthorized access.

RETENTION AND DISPOSAL:

Five years following termination of employment and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Adminstration,
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,

Current employees may contact the:
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.
Former employees who wish to gain access to their records should direct such a request in writing including their names, date of birth and social security number to:
Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the individual to whom it applies or is derived from information he supplied.

DOT/NHTSA 431.

SYSTEM NAME:

Civil Penalty Enforcement Files. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons (corporate or individual) against whom civil penalties are sought or contemplated for violations of NHTSA - administered statutes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigatory records of alleged violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For consultation by attorneys regarding a civil suit against an individual.
See Prefatory Statement of General Routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Office files.

RETRIEVABILITY:

Files in CIR numerical order.

SAFEGUARDS:

Available only to the System Manager and his secretary.

RETENTION AND DISPOSAL:

Records are retained indefinitely and destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Staff Attorney,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Chief Counsel,
400 7th Street, SW, Room 5219,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Chief Counsel,
Chief Counsel,
400 7th Street, SW, Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

NHSTA investigations and tests.

DOT/NHTSA 432.

SYSTEM NAME:

EEO Counseling Program and Discrimination Complaint File. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Adminsitration (NHTSA),
Office of Civil Rights,
400 7th Street, SW, Room 5312,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHTSA personnel or those seeking employment with NHTSA (clerical and professional).

CATEGORIES OF RECORDS IN THE SYSTEM:

Detailed description of alleged discrimination.
Background and support material.
Transcripts of hearings.
Personnel evaluation forms.
Record of interviews.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for reference to aid EEO investigations.
See Prefatory Sstatement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept on the orgiginal forms.

RETRIEVABILITY:

Subject, individual's name.

SAFEGUARDS:

Personnel screening; kept in locked files.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civil Rights,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Civil Rights,
400 7th Street, SW, Room 5312,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Civil Rights,
400 7th Street, SW, Room 5312,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Public Affairs and Consumer Services,
400 7th Street, SW, Room 5232,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

From interviews with the complainants, others involved in the alleged discrimination action.

DOT/NHTSA 433.

SYSTEM NAME:

Injuries, Illnesses, Motor Vehicle Accidents and Property Damages. DOT/NHTSA.

SYSTEM LOCATION:

Department of Trasnsportation (DOT),
National Highway Traffic Safety Administration (NHTSA)

Office of Management Systems,
General Services Division,
400 7th Street, SW, Room 4429,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in injuries on the job.
Individual Motor Vehicle accident reports.
Individual Property Damage reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accident Report - DOT F 3902.1.
Injury Report, Supplement - I - DOT F 3902.2.
Motor Vehicle Report, Supplement - M - DOT F 3902.3.
Property Damage Report, Supplement - P - DOT F 3902.4.
Log of Federal Occupational Injuries and Illnesses - DOT F 3902.8.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Legal.
Security.
Budget.
Audit.
Personnel Management.
Investigation.
Recordkeeping.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folder.

RETRIEVABILITY:

Alphabetical, by individual's name.

SAFEGUARDS:

File cabinet with lock.

RETENTION AND DISPOSAL:

Maintained for 5 years, then transferred to Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
400 7th Street, SW, Room 4429,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains.
Investigations.
Reports of witnesses.

DOT/NHTSA 434.

SYSTEM NAME:

Government Driver Licenses. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Management Systems,
General Services Division,
400 7th Street, SW, Room 4429,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government drivers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application for Operator's Identification Card.
Physical Fitness Inquiry for Motor Vehicle Operators.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to verify that an applicant is qualified both legally and physically to operate a government vehicle.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on the original forms.

RETRIEVABILITY:

Alphabetical, by individual's name.

SAFEGUARDS:

File cabinet with lock.

RETENTION AND DISPOSAL:

Records are maintained for 5 years, then Transferred to Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Services Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems, Room 4429,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Chief Counsel,
400 7th Street, SW,
Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains.
National Driver Register.

DOT/NHTSA 435.

SYSTEM NAME:

Investigations and Security. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Management Systems,
General Services Division,
400 7th Street, SW, Room 4429,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who allegedly violate NHTSA security regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

A memoranda specifying security violations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For security purposes.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on original form HS 154.

RETRIEVABILITY:

Individual's name and Organization.

SAFEGUARDS:

Locked file cabinet.

RETENTION AND DISPOSAL:

Retained until completion of appropriate corrective action and/or disciplinary action.

SYSTEM MANAGER(S) AND ADDRESS:

Security Coordinator, NHTSA,
Department of Transportation,
National Highway Traffic Safety Administration,
General Services Division, Room 4429,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Management Systems, 400 7th Street, SW, Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of the Chief Counsel, 400 7th Street, SW, Washington, DC 20590.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Security Coordinator.

DOT/NHTSA 436.

SYSTEM NAME:

Contract Grievance Records, DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees in the non-professional exclusive unit covered by the NHTSA/AFGE contract of March 5, 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information or documents relating to a decision by the Administration or an arbitrator affecting an individual.

The records consist of:

The initial grievance.

Letters or notices to the individual.

Record of arbitration hearing when conducted.

Materials placed into the record to support the decision or determination affidavits or statements.

Testimonies of witnesses.

Investigative reports.

Instructions to the Administration about action to be taken to comply with decisions.

Related correspondence opinions and recommendations, opinions and recommendations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a Member of Congress regarding status of a grievance.

To provide information to the public as requested by the Freedom of Information Act.

To respond to the Assistant Secretary of Labor for LMR in connection with an Unfair Labor Practice Procedure or to respond to the Federal Labor Relations Council on appeal of an arbitration award.

To respond to a court subpoena in connection with a civil suit.

To adjudicate a grievance.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and index cards.

RETRIEVABILITY:

Retrieved by names of grievant (s).

SAFEGUARDS:

Access limited to those with official 'need to know.' Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The records are maintained up to 3 years and then retired to the Washington National Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals who have filed grievances under the NHTSA/AFGE contract should address inquiries to the:
Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service.

RECORD ACCESS PROCEDURES:

After a grievance case has been closed an individual or his representative may gain access to the official copy of a grievance record by contacting the System Manager. Individuals should provide their names, date of birth, approximate date and subject of the grievance.

CONTESTING RECORD PROCEDURES:

Contest, correction or amendment of the record is permitted during the prosecution of the grievance by the individual to whom the record pertains or his representative.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains and/or representative.

Administration officials.

Affidavits or statements from employees.

Testimonies of witnesses.

Official documents relating to grievance.

Correspondence from organizations or persons.

DOT/NHTSA 447.

SYSTEM NAME:

Drinking Driver Tracking System, DOT/NHTSA.

SYSTEM LOCATION:

Under the auspices of:
Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
State Office Building,
Salt Lake City, Utah 84114.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons convicted while under the influence of alcohol.

CATEGORIES OF RECORDS IN THE SYSTEM:

Identification data, driving record history and probation record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To analyze and evaluate drunk driver's records to look for trends, similarities and redivision rates.

To extract statistical information for evaluation purposes.

See Prefatory Statement of General Routine Uses

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By individual name or driver's license number.

SAFEGUARDS:

Only personnel of the Utah Highway Safety Program Office can get information from file, which is stored in secured file cabinets.

RETENTION AND DISPOSAL:

5 years; erased from file.

Source documents are destroyed after information is taken off

SYSTEM MANAGER(S) AND ADDRESS:

Regional Administrator,
Department of Transportation,
Region VIII,
330 South Garrison Street,
Lakewood, CO 80226.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Police arrest records.
Court records.
Probation records.
State Driver License Division.

DOT/NHTSA 451.

SYSTEM NAME:

Medical Records and Research Data. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
Naval Aerospace Medical Research Laboratory (NAMRL),
Pensacola, FL 32512; and at:
NAMRL Detachment,
New Orleans, LA

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military research subjects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical Histories, results of physical examinations, psuchological testing, electrocardiograms, audiograms, x-rays, and miscellaneous clinical laboratory results.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to screen research subjects and for statistical purposes by military and civilian personnel employed at this activity.

Prefatory Statement of General Routine Uses 3 through 6 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in file folders, magnetic tape and punch cards.

RETRIEVABILITY:

The key for retrieval is name or social security number.

SAFEGUARDS:

Records are not sent to records center because they are considered raw scientific data.

Records are destroyed by burning when research projects are completed.

The military health records are sent to Naval Manpower Center, Bainbridge, Maryland when an active duty member completes his tour of service.

SYSTEM MANAGER(S) AND ADDRESS:

Vehicle Engineering Research Division,
Department of Transportation,
National Highway Traffic Safety Administration,
Office of Passenger Vehicle Research,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Director, Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address under 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address under 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Personal medical history, personal responses to test, medical examinations, and results of experimental data.

DOT/NHTSA 454.

SYSTEM NAME:

Alcohol Behavior Research. DOT/NHTSA.

SYSTEM LOCATION:

Under Auspices of:
Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
System is located at:
13766 S. Hawthorne Boulevard,
Hawthorne, CA 90250.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Male, heavy drinkers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Self-professed drinking ability, medical condition, personality traits, experimental drinking data, experimental performance data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Experimenters' selection of subjects for alcohol and automobile control behavior research.

Prefatory Statement of General Routine Uses, 3 through 6 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders are kept in the technical library.

RETRIEVABILITY:

System is indexed by subject's name.

SAFEGUARDS:

Accessible by the experimenter from the locked storage cabinet.

RETENTION AND DISPOSAL:

Depend on the success and longevity of the particular line of research.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Driver and Pedestrian Research,
Department of Transportation,
National Highway Traffic Safety Administration,
2100 2nd Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Written examination filled out by the individual and experimental data collected during tests.

DOT/NHTSA 455.

SYSTEM NAME:

Debt Complaint File. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT), National Higwhway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the NHTSA on whom the Agency has received contacts from creditors concerning indebtedness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters and other correspondence from creditors, collection agents, and state and local tax supported institutions with claims upon employees of the NHTSA.

System also contains copies of agency responses, employee statements of intention to pay debts, and other related correspondence.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be used by officials of the agency to determine an employee's suitability for continued employment.

Documents in the file may be used to substantiate disciplinary actions related to indebtedness.

Material in file may be used oto verify prior debt complaints from the same creditor on the same individual in order to respond to the creditor's current correspondence.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records stored in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are located in lockable file cabinets with access limited to individuals with an official need to know.

RETENTION AND DISPOSAL:

Retained in file for 6 months following separation or transfer of employee unless documents become part of disciplinary or appeal files covered by Civil Service Commission regulations.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management,
National Highway Traffic Safety Administration,
Department of Transportation,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals desiring to review information about them in the system of records should address inquiries to the System Manager. Individuals requesting the information should provide their full name, date of birth, and social security number.

RECORD ACCESS PROCEDURES:

Individuals desiring to access information in this system should address inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest information in this system of records should address inquiries to the System Manager.

RECORD SOURCE CATEGORIES:

The individual to whom the record applies.
Creditors.
Tax supported institutions.
Courts.

DOT/NHTSA 457.

SYSTEM NAME:

Reference Files. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Personnel Management,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the National Highway Traffic Safety Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

File consists of reference checks, medical examination reports, and fitness-for-duty medical examination reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be used by officials of the Agency to determine employee's suitability for employment and continued employment.

Documents in the file may be utilized as basis for separation actions after appointment.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in manila envelopes.

RETRIEVABILITY:

Records are retrievable by employee name.

SAFEGUARDS:

Records are maintained in locked file cabinets. Access is limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Files are maintained during period of employment. Except for medical examination reports, which will be transferred to another agency if employee transfers, the records in the file are destroyed upon employee separation. Medical examination records are destroyed, however, when inter-agency transfer is not the basis for separation.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW, Room 5306,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries about the system of records should be directed to the System Manager. Individuals requesting information should provide their name, mailing address, and social security number.

RECORD ACCESS PROCEDURES:

Individuals who desire access to or to contest information about them in this system of records should contact the System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure' above.

RECORD SOURCE CATEGORIES:

Previous Employers.
Medical Practitioners.
Employee to whom the record pertains.

DOT/NHTSA 458.

SYSTEM NAME:

Investigations of Alleged Misconduct or Conflict of Interest. DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT).
National Highway Traffic Safety Administration (NHTSA).
Office of Associate Administrator for Administration,
400 7th Street, SW, Room 5238,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Name of individual, state or contractor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of allegations, investigations, audits, and recommendations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In assessing need for corrective action as necessary.

Available to Associate Administrator for Administration, individual assigned to the review or investigation, and Secretary to the Associate Administrator for Administration.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in folders in safe.

RETRIEVABILITY:

Identified alphabetically by name.

SAFEGUARDS:

Safe combination is available only to the secretary of the Associate Administrator for Administration and secretary to the Director, Management Systems.

RETENTION AND DISPOSAL:

Until one year following final disposition of case then shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Administrator for Administration,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Associate Administrator for Administration, N48-01,
400 7th Street, SW, Room 5238,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

OST Office of Investigations and Security, FBI, Office of Audits, and internal investigative individuals.

State and local investigative and law enforcement agencies.

DOT/NHTSA 459.

SYSTEM NAME:

Stockton Increased DUI Enforcement/ DUI Citation and Arrest File. DOT/ NHTSA.

This file will be modified specifically for this project to include driver's license numbers and BAC levels.

Other files to be used are already maintained by the City of Stockton (traffic and criminal information) or will contain no information by which an individual could be identified (roadside survey data).

SYSTEM LOCATION:

Under the auspices of the:
Department of Highway Traffic Safety Administration (NHTSA).
System is located at:
Department of Psychology,
University of the Pacific,
Stockton, CA 95211.
and at the
Records Division,
City Hall,
22 East Market Street,
Stockton, CA 95202.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons cited and/or arrested for DUI in City of Stockton.

CATEGORIES OF RECORDS IN THE SYSTEM:

Citation and/or arrest records; court records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used to determine BACs of DUI offenders and recidivism rate overtime.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Record are maintained on magnetic tape and cards.

RETRIEVABILITY:

By name and driver's license number.

SAFEGUARDS:

Records will be available for use by professional personnel only on evaluation team.

Records will be stored in a locked file cabinet in the Psycology Department or on tape at either computer center.

RETENTION AND DISPOSAL:

Retained for 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program and Demonstration Management Division, N42-11,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Director, Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Citation and/or Arrest Records.

DOT/NHTSA 460.

SYSTEM NAME:

College Station/Young Problem Driver Improvement Program/ TDIP Driving Record File. DOT/NHTSA.

SYSTEM LOCATION:

Under the auspices of the:
Department of Transportation (DOT).
National Highway Traffic Safety Administration (NHTSA).
System is located at:
Room 114, Mechanical Engineering Shops,
Texas Transportation Institute,
Texas A&M University,
College Station, TX 77840.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Drivers assigned to participate in Driver Improvement Training Program and control counterparts.

CATEGORIES OF RECORDS IN THE SYSTEM:

This is a general driving record maintained on all drivers holding a valid Texas driver's license, and includes such information as:

(1) Name, date of birth, and sex.

(2) Date of issuance of license and license number.

(3) Current address.

(4) A listing of all convictions and accidents for the previous 36 months.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be used to evaluate the effectiveness of a driver improvement training program in reducing the accident and conviction experience of problem and near-problem drivers.

Users are Evaluation Specialists working on contract.

Analysis of gross recidivism rates for near problem and problem drivers will be forwarded to NHTSA.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Driving records will be maintained as hard copy printouts.

RETRIEVABILITY:

System is indexed by driver's license number.

SAFEGUARDS:

Driving records are maintained in coded files such that access by name is not possible.

RETENTION AND DISPOSAL:

Records will be maintained for approximately 30 months and then will be burned.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Administrator,
Department of Transportation,
National Highway Traffic Safety Administration,
Region VI Headquarters,
819 Taylor Street, Room 11A26,
Fort Worth, TX 76102.

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Attention: Director, Office of Contracts and Procurement, N48-30,
400 7th Street, SW, Room 5301,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

See address in 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

See address in 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

Information being maintained is obtained from Texas Department of Public Safety driver record files.

Address:

Texas Department of Public Safety,
Austin, TX.

DOT/NHTSA 461.

SYSTEM NAME:

Hotline-Call Report System, DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation (DOT),
National Highway Traffic Safety Administration (NHTSA),
Office of Defects Investigation,
400 7th Street, SW, Room 5328,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vehicle owners according to make/model/year of motor vehicles owned, and/or according to safety information requested.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains:

Vehicle defect-related owner complaints or information.

Vehicle or equipment failure-related complaints or information.

Inquiry groupings according to types of safety-related information or written source-materials requested.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

System is used to indicate emerging patterns of vehicle or vehicle equipment failure, and/or to correlate such patterns with typographical or geographical regions, in order to support defect-related NHTSA investigations and vehicle recall actions as authorized by statute. Individuals may be contacted to verify the accuracy of the information initially provided.

System is also used to categorize the types of informational requests and safety-related materials most requested and/or needed by all users of the Hotline service.

System is also used to generate statistical evaluation of Hotline-call volume, frequency, service rendered, degree of safety-related information recorded and utilized as a result of the Hotline's installation.

Records may be disclosed to other Federal or State agencies or consumer groups having remedial or response jurisdiction over the individual complaint recorded.

Prefatory Statement of General Routine Uses 3 through 6 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

On hard copy and magnetic tape.

RETRIEVABILITY:

By name and case number.

SAFEGUARDS:

Appropriate ADP procedures for safeguarding data are utilized with the system.

RETENTION AND DISPOSAL:

System is maintained in support of an experimental 'pilot' program. Hence, length of record retention is now unknown. Destruction, when authorized, will be by shredder (hard copy) and by deletion (magnetic tape).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Defects Investigation,
Department of Transportation,
National Highway Traffic Safety Administration,
400 7th Street, SW,
Washington, DC. 20590

NOTIFICATION PROCEDURE:

Department of Transportation,
National Highway Traffic Safety Administration,
Director, Office of Defects Investigation,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as listed under 'Notification Procedure' above.

CONTESTING RECORD PROCEDURES:

Same as listed under 'Notification Procedure' above.

RECORD SOURCE CATEGORIES:

All information in the system is voluntarily submitted by vehicle owners, individual citizens, or other interested parties.

DOT/NHTSA 463.

SYSTEM NAME:

Motor Vehicle and Motor Vehicle Equipment Import, DOT/NHTSA.

SYSTEM LOCATION:

Department of Transportation,
National Highway Traffic Safety Administration,
Office of Vehicle Safety Compliance,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Importers or declarants of imported motor vehicles and motor vehicles equipment, both private and commercial.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms HS-7, declaration on motor vehicles and motor vehicle equip- ment subject to Federal Motor Vehicle Safety Standards.

Customs reports of declarations and inspections.

Records relating to refusal of entry or penalties, and in some instances law enforcement and court records in alleged fraud cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used for monitoring compliance with Federal Motor Vehicle Safety Standards by NHTSA.

Records may be released to the Environmental Protection Agency for compliance with the Clean Air Act and to the U.S. Customs Service for import requirements.

Released to State divisions of motor vehicles for state purposes and to law enforcement agencies in alleged fraud cases.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms and computer disc tapes.

RETRIEVABILITY:

By name of importer or declarant, addressee(s) vehicle or vehicle identification, customs district and entry number, and port of entry.

SAFEGUARDS:

Disc or tape may be accessed only by discrete identification code known to the System Manager and staff.

Hard paper copies are maintained in locked cabinets.

RETENTION AND DISPOSAL:

Hard paper copy is retained one year if no official claims are lodged against importer or declarant.

Disc and tapes retained for period of U.S. Customs Service statute of limitations before erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Team Leader, Customs Unit,
Office of Vehicle Safety Compliance,
National Highway Traffic Safety Administration,
Department of Tansportation,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as 'System Manager.'

RECORD ACCESS PROCEDURES:

Same as 'System Manager.'

CONTESTING RECORD PROCEDURES:

Same as 'System Manager.'

RECORD SOURCE CATEGORIES:

Data is obtained from forms executed by importers or declarants for the NHTSA,U.S. Customs Service, and the Environmental Protection Agency.

DOT/NHTSA 465.

SYSTEM NAME:

Improved Motorcyclist Licensing and Testing Project (IMLTP).

SYSTEM LOCATION:

Department of Motor Vehicles,
Division of Electronic Data Processing Service,
2415 First Avenue,
Sacramento, California 95818.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for original motorcycle license or endorsement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Driver's License Number, Address, Birthday, Sex, Educational level, Previous Experience Riding Motorcycles, Application Data, Knowledge Test Total Scores and Item Scores, Knowledge Test Administration Date, Mini-Skill Test Total Scores and Item Scores, Drive Test Administration Date, Drive Test Total Scores and Item Scores, Remedial Skills Training Data, Date Attended Remedial Skills Training, Accident and Conviction Record Since Date of Application.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Evaluation Specialist will use the system for the following:

To evaluate the effect of the licensing programs on accidents and convictions.

To determine the validity of the tests.

To evaluate the effect of remedial skills training on subsequent accidents and convictions.

To evaluate the influence of applicant characteristics on the licensing rate and on the accident reducing effectiveness of the licensing program.

To prepare management information system reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By I.D. Number of drivers license Number.

SAFEGUARDS:

The contents of the collected data will not be available to any public source. The Tape Library is in a locked room with controlled access.

RETENTION AND DISPOSAL:

The records will be kept on tape until ten years after completion of the study. Then the ID No., Application No. or Drivers License No. will be erased, and the records will be available to other researchers.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Program and Demonstration Management Division,
ODPP, Room 5130,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to:
Department of Transportation
National Highway Traffic Safety Administration
Room 5301,
400 7th Street, SW,
Washington, DC 20590
Atten: Director, Office of Contracts and Procurement (N48-30).

RECORD ACCESS PROCEDURES:

Write or contact System Manager.

CONTESTING RECORD PROCEDURES:

All of the information in the system comes from the motorcycle subject file, the Driver's License Examiner file, or the driver's license files of the State of California.

DOT/NHTSA 466.

SYSTEM NAME:

National Highway Traffic Safety Administration Employee Travel Advances and Expense File.

SYSTEM LOCATION:

Room 4103,
DOT Headquarters Building,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NHTSA Employees at Headquarters and the ten Regional Offices
Intergovernmental Personnel Act Employees of NHTSA
Temporary Employees of NHTSA

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee Name
Employee Number
Travel Order Number
Travel Advances Outstanding:
Continuing Advance Amount and date issued
Trip advance amount and date issued
Change of Station advance amount and date issued
Payments of advances
Travel Expense:
Subsistence
Transportation of Persons

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain accountability of travel and transportation costs by object class for each allottee - Budget and Accounting Report - RIC-0031.
To control funds advanced to employees for travel and change of station.
To record detail of transactions processed for each budget allotment/allowance - Operating Budget - RIC09032.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Original records are maintained by the Office of Financial Management as follows:
Travel Orders, DOT 1500.3 and DOT 1500.4
Travel Vouchers, SF-1012
Travel Advance Record, DOT 1500.5
Data coded from these documents are keypunched to cards and proceessed for disc storage.

RETRIEVABILITY:

Job controls (JCL's) for retrieving data for periodic reports are maintained. Each report is identified by Report I.D. and by Report Name.

SAFEGUARDS:

JCL's are kept in a locked cabinet under custody of System Manager.

RETENTION AND DISPOSAL:

Original Records are retained in accordance with the Comptroller General's requirements for record retention.
Punched cards are disposed of three months after processing as input to disc.
Hard copies of reports are retained for one year.

SYSTEM MANAGER(S) AND ADDRESS:

Chief,
Accounting Operations
Room 4103,
Office of Financial Management
400 7th Street, SW
National Highway Traffic Safety Administration
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Address all inquiries to:
Privacy Act Coordinator, Room 4103
Office of Financial Management
National Highway Traffic Safety Administration
400 7th Street, SW
Washington, DC 20590
Request for data may be made by any employee of NHTSA concerning the employee's own record. Request must be in writing and must identify:
System Name: DOT/NHTSA Travel Advances and Expense
Employee Number
Employee Name

RECORD ACCESS PROCEDURES:

All inquiries as to procedures for gaining access to and Contesting records shall be directed to:
Privacy Act Coordinator - Room 4103
Office of Financial Management
National Highway Traffic Safety Administration
400 7th Street, SW
Washington, DC 20590

CONTESTING RECORD PROCEDURES:

DOT Form 1500.2 Application and Account for Advance of Funds
DOT Form 1500.3 Travel Order for Temporary Duty
DOT Form 1500.4 Travel Order for Permanent Change of Station
SF-1012 Travel Expense

DOT/NHTSA 467.

SYSTEM NAME:

Driver Programs Data System (DOT/NHTSA). Safe Performance Secondary School Driver Education Curriculum/Demonstration Project Analysis File.

SYSTEM LOCATION:

Battelle-Columbus Laboratories (BCL), 505 King Avenue, Columbus, Ohio 43201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

15-16 year old, non-licensed DeKalb County, Ga., High School student volunteers for Driver Education.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) DeKalb County School System Records:

(1) Student Entry Data consisting of name, DeKalb County student number, driver's license number, student project number (a unique number assigned to each student participating in the project), birthdate, sex, high school, site, socioeconomic status index, term of instruction, driver's education groups Safe Performance Curriculum (SPC), Pre-Driver Licensing Curriculum (PDL), and Control Group. (2) DeKalb County Student Master Data consisting of grade point average, address, schedule information, driver education teacher, driver education class, changes in student status, transferring schools within DeKalb County, leaving the DeKalb County School District. (3) Driver Education Project Information consisting of driver education test scores, pretest, unit tests, skill tests, post test, result of driving habit survey(s). (b) Driver History File consisting of student project number, cumulative number of points, name/date/length of suspensions, restrictions on driving, issue date of driver's license/learner's permit, exam date of driver's test, habitual offender/date, currently licensed, record of each citation: type of violation(s), date of violation, number of points for each violation, accident involved, license suspended/revoked. (c) Accident History File consisting of citation to project person, one vehicle or multi-vehicle accident, pedestrian/bicyclist accident, date of accident, violations for this accident, type of accident, property damage/injury/fatality, number of injuries, number of fatalities, position in car of injured/dead, severity of injuries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Highway Safety Act of 1966, Section 403.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Battelle-Columbus Laboratories at six month intervals will evaluate the effectiveness of Safe Performance Curriculum as a driver education program and report results to NHTSA program manager.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The automated records are stored at Battelle-Columbus Laboratories (BCL) on magnetic tape and disk. The manual records are kept in files in a physically secured room.

RETRIEVABILITY:

The manual records are indexed by student project number to preclude the use of names. However, the automated records can also be retrieved by name, address, birthday and Georgia drivers license number.

SAFEGUARDS:

The contents of the collected data will not be available to any public source. Records are maintained in a secure area with controlled access. In addition, access to the computer system is through the use of account numbers.

RETENTION AND DISPOSAL:

All client data will be retained until project termination, at that time de-identified (ID number, DL number, and name removed) copies of the analysis file will be submitted to the Office of Driver and Pedestrian Programs, NHTSA, Washington, D.C., and to other research organizations specifically requesting the de-identified data, as per NHTSA approval.

SYSTEM MANAGER(S) AND ADDRESS:

Department of Transportation, Chief, Program and Demonstration Management Division, National Highway Traffic Safety Administration, Room 5130, 400 7th Street SW., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Contact or write to the System Manager.

CONTESTING RECORD PROCEDURES:

Initiate requests for changes to records by writing to Systems Manager.

RECORD SOURCE CATEGORIES:

DeKalb County, Ga., school system records, Georgia Department of Public Safety Driving Records.

DOT/NHTSA 468

SYSTEM NAME:

New Jersey Novice Driver Evaluation Project

SYSTEM LOCATION:

New Jersey Division of Systems and Communications
River Road
West Trenton, New Jersey

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected New Jersey drivers under the age of 20, during the period 1975 through 1983.

CATEGORIES OF RECORDS IN THE SYSTEM:

Driver license number, biographical information, DMV records, driver education/driver improvement records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The data will be used to evaluate the effectiveness of New Jersey's Probationary Driver Program in reducing the incidence of accidents and violations among novice drivers. Statistical comparisons will be made of group accident and violation rates to determine overall component effectiveness of the project. No use will be made of any single individual's data. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be maintained on storage mediums of magnetic tape and disc.

RETRIEVABILITY:

Driver license number

SAFEGUARDS:

Data will not be available to any public source. Records are maintained in a secure area with controlled access through the use of both an account number and an access privacy code.

RETENTION AND DISPOSAL:

All subject data will be retained until project termination. At that time, de-identified copies of the analysis file will be submitted to Office of Driver and Pedestrian Programs, NHTSA, Washington, D.C., and to other research organizations specifically requesting the de-identified data, as per NHTSA approval.

SYSTEM MANAGER(S) AND ADDRESS:

Contract Technical Manager
Demonstration Evaluation Division, NTS-12
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as 8 above.

RECORD SOURCE CATEGORIES:

New Jersey: Driver License Records
State Police Accident Records
Municipal Police Accident Reports
High School Driver Education Records
Municipal Court Reporting System
Probationary Driver Program Records

DOT/NHTSA 469

SYSTEM NAME:

Survey on Low Damage Accidents Involving Bumpers.

SYSTEM LOCATION:

Westat Inc.
11600 Nebel Street
Rockville, Maryland 20852

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Selected automobile owners within continental United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vehicle inventory, characteristics of incidents (i.e., object struck, point of contact on car, miles per hour, place, date, etc.), damage to property and/or people and exposure of car.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be used by NHTSA to evaluate the effectiveness of bumpers designed to meet the requirements of Federal Motor Vehicle Safety Standard 215 or Title I of the Motor Vehicle Information and Cost Savings Act in reducing vehicle damage in low-speed collisions. Prefatory Statement of General Routine Uses 3 through 6 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tape

RETRIEVABILITY:

Serial number assigned to case.

SAFEGUARDS:

(a) Interviewers will keep completely confidential respondent identifiers and information collected. (b) Survey instruments containing respondent identifiers will be stored in locked cabinets or locked room. (c) Respondent identifiers will not be part of the machine record. (d) Upon completion of the pilot study, respondent identifiers will be destroyed. Retrievability Information: These records are retrieved by Name, Address, and Phone Number.

RETENTION AND DISPOSAL:

Upon completion of the pilot phase, respondent identifiers, i.e., names, addresses and telephone numbers will be destroyed. Survey instruments will be kept until the completion of the main survey and then destroyed. Records will be kept on tape and after completion of the main survey will be turned over to the Contact Technical Manager.

SYSTEM MANAGER(S) AND ADDRESS:

Contract Technical Manager
Office of Program Evaluation
National Highway Traffic Safety Administration
Room 5212, 400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Department of Transportation
National Highway Traffic Safety Administration
Room 5301, 400 7th Street, S.W.
Washington, D.C. 20590
Attn: Director, Office of Contracts and Procurement

RECORD ACCESS PROCEDURES:

Contact System Manager

RECORD SOURCE CATEGORIES:

All of the information in the system will be supplied by the individual himself.

DOT/NHTSA 470

SYSTEM NAME:

Unreported Accident Survey, DOT/NHTSA.

SYSTEM LOCATION:

Westat, Inc.
11600 Nebel Street
Rockville, Maryland 20852

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensed drivers living in households with telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Characteristics of drivers and motor vehicles involved in unreported accidends, including the environmental, vehicle and driver conditon, and their severity in terms of injury and damage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The data will be used by the contractor to develop estimates of the frequency and severity of injury and property damage resulting from unreported accidents nationwide. The records will also be used to determine the need for periodic surveys of unreported accidents by comparing their characteristics with those reported accidents. If the data vary significantly, additional analysis will be necessary to ensure the continuing validity of agency records. Personal identifiers will be used initially to perform a quality control review of the data. Following completion of the interview stage (approximately three months), identifiers will be deleted and information will be maintained in a sanitized file.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Responses will be maintained initially on hard copy files, then on magnetic tape after personal identifiers have been removed.

RETRIEVABILITY:

Personal name with an assigned sequence number.

SAFEGUARDS:

Files are stored in locked cabinets within a secured area. Only individuals with the 'need to know' are allowed access to this file.

RETENTION AND DISPOSAL:

File will be retrievable by personal name for approximately three months after the interview stage. After that, the sanitized file will be maintained for duration of the contract (about two years) and destroyed following contract completion.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems Division, NRD-33
National Center for Statistics and Analysis
Room 6117
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Apply to System Manager.

RECORD SOURCE CATEGORIES:

Responses of household members to telephone inquiries.

DOT/OST 003.

SYSTEM NAME:

Allegations of Infringement of United States Patents. DOT/OST.

SYSTEM LOCATION:

Office of the Secretary of Transportation,
Office of the General Counsel,
400 7th Street, SW, Roomm 10424,
Washington, DC, 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who believe that an agency of the Department of Transportation is infringing a United States patent owned by the individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of correspondence alleging that agencies of the Department of Transportation have infringed, or are infringing, United States patents owned by the originators of the correspondence. Copies of replies by the Department Patent Counsel to the originator of the allegation. Copies of correspondence forwarding the allegation to the particular Department agency accused for their comment; their replies to Patent Counsel. Copies of correspondence between the Department of Transportation and the Department of Justice concerning the allegations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of allegations and Patent Counsel's actions thereon.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets.

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Records are disclosed only to individuals with established legal interest or legal 'need to know.'

RETENTION AND DISPOSAL:

Transfer to Federal Records Center two years after close of file; Destroy 25 years after close of file.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Patent Counsel, C-15,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10424

NOTIFICATION PROCEDURE:

Apply to System Manager

RECORD ACCESS PROCEDURES:

Apply to System Manager

CONTESTING RECORD PROCEDURES:

Apply to System Manager

RECORD SOURCE CATEGORIES:

Patent owners.

DOT/OST 004.

SYSTEM NAME:

Board for Correction of Military Records (BCMR). DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT).
Office of the Secretary (OST).
Office of the General Counsel.
400 7th Street, SW, Room 10424.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military personnel requesting the Board for Correction of Military Records to correct their military records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of actions of the General Counsel acting under delegated authority approving or disapproving BCMR cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of the General Counsel's action in individual BCMR cases.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Files are kept in the office of the Assistant General Counsel. Requests are referred to the Executive Secretary, BCMR.

RETENTION AND DISPOSAL:

Retire in 3 years; destroy in 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Assistant General Counsel for Environmental, Civil
Rights and General Law, C-10,
U.S. Department of Transportation
Washington, D.C. 20590
Office Location:
400 7th Street, SW, Room 10424

NOTIFICATION PROCEDURE:

Contact System Manager

RECORD ACCESS PROCEDURES:

Contact System Manager

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Official agency records; hearings, documentary material from outside the agency.

DOT/OST 006.

SYSTEM NAME:

Confidential Statement of Employment and Financial Interests. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT).
Office of the Secretary (OST).
Office of the General Counsel.
400 7th Street, SW, Room 10424.
Washington DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of Transportation in supervisory or other positions where a conflict of interest or the appearance of a conflict of interest might occur. Also included in this category are Consultants and Experts of the Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on employment and financial interests and debts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information to be furnished is required by Executive Order 11222 and the regulations of the Office of Personnel Management (OPM) issued thereunder and may not be disclosed except as the OPM or the agency head may determine. The purpose of the use of this information is to avoid a conflict of interest or the appearance of a conflict of interest in DOT employees.

Prefatory Statement of General Routine Uses 1, 4 and 6 apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Accordion - type file folder.

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Records are stored in safe.

RETENTION AND DISPOSAL:

Records are kept 3 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Deputy General Counsel, C-2,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10428 11

Inquiries may be addressed to the Deputy General Counsel either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the Deputy General Counsel.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the Deputy General Counsel.

RECORD SOURCE CATEGORIES:

Statements of employment and financial interests, creditors, interests in real property are submitted by employees and consultants of the Department of Transportation. Initial requests for submission of statements are through the Office of Personnel and Training.

DOT/OST 008.

SYSTEM NAME:

Departmental Advisory Committee Files. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT).
Office of the Secretary (OST).
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former members of Departmental Advisory Committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual index card membership file listing name, address, occupation, committee name, and term of appointment.

Biographical information on committee members.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To prepare reports required by the Congress and the Office of Management and Budget.

To answer inquiries on the membership status of individuals received from Departmental elements as well as from public and private organizations and individuals.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3x5 index card file.
File folders.

RETRIEVABILITY:

Alphabetically by individual's name.
Alphabetically by committee name.

SAFEGUARDS:

Files kept in locked room, accessible only by permission of the Committee Records Manager.

RETENTION AND DISPOSAL:

Maintained indefinitely.
Retired to Federal Records Center within five years after a committee becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary/DOT Committee Management Officer,
Department of Transportation,
Office of the Secretary,
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager. Full, correct name of advisory committee, if known, will facilitate location of information.

RECORD ACCESS PROCEDURES:

Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Information supplied by the Committee Sponsor.

DOT/OST 010.

SYSTEM NAME:

Departmental Personnel Management Information System, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Computer Center,
400 7th Street, SW, Room 2401,
Washington, DC 20590.
Informatics, Inc.,
Six Kings Bridge Road,
Fairfield, New Jersey 07006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal civilian employees of the U. S. Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Records and Training Records

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Issue automated records to the Office of Personnel Management.

Submit personnel reports, summaries and name listings to the Office of Personnel Management, Office of Management and Budget, U. S. Department of Commerce, U.S. Congress, and other government agencies.

Develop statistical summaries and name listings for use in performing personnel management functions and other manpower and budgetary functions of the Department.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic Tapes and Disks.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Transportation Computer Center maintains both physical security and personal access by retrieve/access procedures and secured storage and operative areas.

RETENTION AND DISPOSAL:

The personnel records are maintained for a 3 year period while the training records will be maintained for a 10 year period. The records disposed by blending the magnetic tapes or disks.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel and training,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

The individual may address the Office of Personnel and Training (Director of Personnel and Training), in person or in writing, at the above address.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Contest of these records will be to the Office of Personnel and Training. If resolution is not satisfactory to the individual, an appeal may be filed with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of The Secretary,
Office of the General Counsel,
400 7th Street, SW, Room 10428,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Standard Form 50 (Notification of Personnel Action).

Standard Form 52 (Request for Personnel Action).

Standard Form 171 (Personnel QUALIFICATIONS Statement).

Standard Form 1126 (Pay Change Action).

Optional Form 170 (Training) and other internal training forms.

Internal Forms (Minority Identification Record).

DOT/OST 011.

SYSTEM NAME:

Discrimination Complaint Investigative Files. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Departmental Office of Civil Rights,
Complaints Division,
2100 Second Street, SW, Rm 5300,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Complaints of discrimination by employees of, and applicants to, the Department. Complaints of discrimination by individuals affected by departmental programs for which the Department has compliance responsibility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Formal complaint.
Personnel record information.
Racial-ethnic data.
Investigative reports.
Affidavits.
Departmental decision.
Hearing transcript, if hearing is held.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Complaints:

Investigation and adjudication of complaint by the Departmental Office of Civil Rights.

Referral to the General Counsel and, upon request, to the appropriate U.S. Attorney's Office, if complainant files suit in court.

Referral to the Civil Service Commission (CSC) if complainant requests a hearing or appeals a Departmental decision.

Referral to the CSC for investigation of complaint.

Information copies to the Civil Rights Office of the employee's administration and to the employee.

External Complaints:

Referral to Office of Federal Contract Compliance (OFCC) of discrimination complaints relating to employment.

Referral to operating administration with compliance responsibility of class-action complaints, for purpose of a compliance review.

Investigation by Departmental Office of Civil Rights personnel of Title VI complaints.

Referral, upon request, to Department of Justice, which has overall program responsibility for Title VI enforcement.

Referral to General Counsel when conciliation fails and sanction action is anticipated.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Alphabetically within operating administration.

SAFEGUARDS:

Maintained in locked file cabinets in a locked room.

RETENTION AND DISPOSAL:

Maintained three years, then retired to NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Civil Rights,
Department of Transportation,
Office of the Secretary,
Director of Civil Rights,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Information provided by the complainant.

Personnel files and employment records.

Interviews with witnesses.

DOT/OST 012.

SYSTEM NAME:

Files Relating to Personnel Hearings. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Certain employees of the Office of the Secretary who have availed themselves of the opportunity for a hearing in certain personnel matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of the legal services performed and reference material for future cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by agency management in the preparation and conduct of administrative hearings.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Files are kept in the office of the Assistant General Counsel.

RETENTION AND DISPOSAL:

Retire in 3 years; destroy in 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Assistant General Counsel for Environmental, Civil Rights and General Law, C-10,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10424

NOTIFICATION PROCEDURE:

Apply to System Manager

RECORD ACCESS PROCEDURES:

Apply to System Manager

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Official agency records; hearings; documentary material from outside the agency.

DOT/OST 013.

SYSTEM NAME:

Employee Management Convenience Files - Office of Inspector General Regional Offices.

SYSTEM LOCATION:

Regional Manager,
Office of Inspector General (OIG),
DOT-OST,
12 New England Executive Park,
Burlington, MA 01803.
Regional Manager, OIG,
181 South Franklin Avenue,
Valley Stream, NY 11581.
Regional Manager, OIG,
1568 Willingham Drive,
Atlanta, GA 30337.
Regional Manager, OIG,
Suite 710,
300 South Wacker Drive,
Chicago, IL.
Regional Manager, OIG,
Room 10A34,
Federal Office Building,
819 Taylor Street,
Fort Worth, TX 76102.
Regional Manager, OIG,
9150 West Jewell Avenue, Room 105,
Denver, CO 80226.
Regional Manager, OIG,
Suite 214,
1 Embarcadero Center,
San Francisco, CA 94111.
Regional Manager, OIG,
Federal Office Building,
915 Second Avenue,
Room 3198,
Seattle, WA 98174.
Regional Manager, OIG,
601 East 12th Street, Room 113,
Kansas City, MO 64106.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance Evaluation Records, Position Descriptions, SF-171s.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employment, pay and performance evaluations.

Used by supervisor and administrative personnel in preparation of personnel documents.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Safe and File cabinets.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked safe and files.

RETENTION AND DISPOSAL:

Retained for current employment. Destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Resources Management, JP-30,
Department of Transportation,
Office of the Secretary,
Office of Inspector General,
400 7th Street, SW, Room 9200,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Office of the Secretary,
Office of Inspector General,
Assistant Inspector General for Policy, Planning and
Resources, JP-30,
400 7th Street, SW, Room 9200,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Current employees may have access to contents through the System Manager.

CONTESTING RECORD PROCEDURES:

Current employees may contest contents through the System Manager.

RECORD SOURCE CATEGORIES:

Subject, supervisor, responsible official, personnel and payroll offices.

DOT/OST 014.

SYSTEM NAME:

Employment Applications Files. DOT/OST.

SYSTEM LOCATION:

The following Secretarial Offices located at:
400 7th Street, SW,
Washington, DC 20590:
Office of the Deputy Secretary, S-2.
Special Assistants to the Secretary, S-3 through S-9.
Office ot the Executive Secretary, S-10.
Contract Appeals Board, S-20.
Office of Civil Rights, S-30.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospective employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes, employee applications, samples of work and letters of recommendation and referral. (Note: Not all items are held in all offices.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Consideration for in-house employment.

Where appropriate, referral to other offices and agencies for consideration of employment.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Filed alphabetically by name, except in the Office of Civil Rights of the Department, where they are filed alphabetically by name within occupational series.

SAFEGUARDS:

Files are accessible only with the permission of each System Manager.

RETENTION AND DISPOSAL:

Files are retained as long as position(s) for which individual(s) is (are) being considered remain(s) viable.

SYSTEM MANAGER(S) AND ADDRESS:

Senior official of each office listed.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the appropriate System Manager.

RECORD ACCESS PROCEDURES:

Contact the appropriate System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact the appropriate System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportaion, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Applicant.
Referring individual.
Other agencies, including the Civil Service Commission.
DOT officials.
Office of Personnel Operations.
(Note: Not all sources are used by all offices.)

DOT/OST 016.

SYSTEM NAME:

General Investigations Record System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security (M-50),
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incident reports covering occurrences relating to the security of DOT personnel and headquarters buildings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The information contained in the incident reports is collected and maintained in accordance with the mission and functions of the Office of Investigations and Security for the protection of DOT employees and headquarters buildings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disseminated to DOT Officials in the administration of their responsibilities.

See Prefatory Statement of General Routine Uses, 5 and 9 do not apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in case folders in manual filing system.

RETRIEVABILITY:

By name or incident title.

SAFEGUARDS:

Files are maintained in a cypher-locked room with appropriate access controls. Access to the files is restricted to authorized personnel on a 'need-to-know' basis, with appropriate access controls.

RETENTION AND DISPOSAL:

Material held indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Investigations and Security (M-50),
Department of Transportation,

Office of the Secretary,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

These records contain information obtained from interviews, review of records and other authorized techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 USC 552a (j)(2), (k)(l) or (2).

DOT/OST 018.

SYSTEM NAME:

Identification Media Record Systems, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security, M-50,
400 7th Street, SW,
Washington, DC 20590.
Commandant (GOIS),
U.S. Coast Guard Headquarters,
Washington, D.C. 20590; and each District Office.
Federal Aviation Administration,
Office of Investigations and Security,
800 Independence Avenue, SW,
Washington, D.C. 20591; and FAA Regional and Center Air Transportation Security Divisions.
Federal Highway Administration,
Operations and Services Division,
400 7th Street, SW,
Washington, DC 20590; and all FHWA Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present employees, contractor employees, and National Defense Executive Reservists in the Office of the Secretary, U.S. Coast Guard, Federal Aviation Administration, Federal Highway Administration, Federal Railroad Railroad Administration, National Highway Traffic Safety Administration, Urban Mass Transportation Administration, St. Lawrence Seaway Development Corporation, and Research and Special Programs Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, photographs, receipts for DOT identification cards, and official credentials; special facilities passes, including Federal Preparedness Agency passes; temporary building passes; and application for Civil Defense Emergency Assignee cards or other passes needed for official duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are maintained for control and accountability of DOT identification cards, credentials, and Civil Defense Emergency Assignee cards issued to DOT Civilian employees, contractor employees and executive reservists for identification purposes and admittance to the DOT facilities or for other official duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Alphabetically filed card forms in manual filing system.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Application cards stored in locked drawers and/or in a locked room with limited access.

RETENTION AND DISPOSAL:

Applications, including photographs and identification media, are destroyed upon termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Investigations and Security, M-50,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW, Room 10401,
Washington, DC 20590.
For USCG: Commandant (GOIS),
U.S. Coast Guard Headquarters,
Washington, DC 20590.
For FAA: Director, Office of Investigations and Security,
Federal Aviation Administration,
800 Independence Avenue, SW,
Washington, DC 20591.
For FHWA: Chief, Operations and Services Division,
Federal Highway Administration,
400 7th Street, SW,
Washington, DC 20590.
All FHWA Regional Offices

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager'.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

DOT/OST 019.

SYSTEM NAME:

Individual Personal Interests in Intellectual Property, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Inventors employed by or having contractual relationships with the Department of Transportation and other Government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Invention disclosures, Government Patents Branch cases, patent applications, issued patents, and license agreement files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Patent Counsel and his staff as a record of determination of rights in inventions, determination of novelty and patentability, determination of patent coverage, and allocation of rights in issued patents.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets.

RETRIEVABILITY:

Indexed individually by name in alphabetical sequence.

SAFEGUARDS:

Records are disclosed only to individuals who have legal interest in the records or legal 'need to know.'

RETENTION AND DISPOSAL:

Transfer to Federal Records Center two years after close of file; destroy 25 years after close of file.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Patent Counsel, C-15,

U.S. Department of Transportation.
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10424.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Individual inventors, technical evaluators, and United States Patent and Trademark Office.

DOT/OST 024.

SYSTEM NAME:

Parking Permit Application File, and Vanpooling Application Files, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Parking Management Office, M-444.3,
400 7th Street, SW, Room 2322,
Washington, DC 20590.
Federal Highway Administration,
Ridesharing Branch, HHP-33,
400 7th Street, S.W., Room 3311
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT parking permit holders (Washington, DC), DOT carpool members and DOT van pooling applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Parking permit application forms and van pool application forms.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Determine criteria for permit issuance, record change data, record garage violations and periodic review and revalidation. Used by parking management office personnel only.

See Prefatory Statement of General Routine Uses.

Vanpooling applicants are matched up as to area and work hours and records of van pools are maintained.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in lockable visible edge file in a security locked workroom.

RETRIEVABILITY:

Indexed sequentially by permit number; vanpool applications are alphabetical by name and organized for retrieval by 'home-cell' numbers for areas.

SAFEGUARDS:

Only Parking Management Office personnel have access to these records; for van pools only Public Transportation Management Office personnel have access to applications.

RETENTION AND DISPOSAL:

Record cards are retained for 3 years locally, sent to the Federal Records Center for 2 more years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

For Parking Permit File:
Chief, Transportation Branch, M-444,
Department of Transportation,
Office of the Secretary,
Office of Administration Operations,
400 7th Street, SW, Room 2318,
Washington, DC 20590.
For Van Pooling Application File:
Chief, Ride Sharing Branch, HHP-33,
Federal Highway Administration,
400 7th Street, S.W., Room 3311
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individual may review only his own application card upon presentation of valid DOT ID card at the addresses given under 'System Location'.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

No contest - individual can change recorded data at will.

RECORD SOURCE CATEGORIES:

Submitted by individual.

DOT/OST 025.

SYSTEM NAME:

Parking Permit Management System, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Parking Management Office, M-444.3,
400 7th Street, SW, Room 2322,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT parking permit holders (Washington Headquarters) and DOT car pool members (Washington Headquarters).

CATEGORIES OF RECORDS IN THE SYSTEM:

Status record (of permits) and member record (of carpools).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records used for ADP report and listing production.

Listings are used by the parking vendor for billings and Parking Mangement Office for system administration.

Additionally, a carpool location listing is produced for use in forming and enlarging carpools. This is for use by the general public.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Parking Management office personnel enter data password control.

RETRIEVABILITY:

Indexed sequentially by permit number.

SAFEGUARDS:

Only Parking Mangement Office personnel and the parking vendor have access to general listings. The carpool location listing is for use by the general public, but is secured in the parking office.

RETENTION AND DISPOSAL:

Data is deleted and not retained on ADP once individual leaves system. Record copies of monthly reports and listings are retained locally for 3 years, forwarded to the Federal Records Center for 2 more years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Transportation Branch, M-444,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW, Room 2318,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individual may review data upon presentation of valid DOT ID card.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

No contest - individual can change data at will.

RECORD SOURCE CATEGORIES:

Only source is from parking permit application.

DOT/OST 026.

SYSTEM NAME:

Payroll Management System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Accounting Operations Division, M-45,
400 7th Street SW, Room 2228,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Office of the Secretary

CATEGORIES OF RECORDS IN THE SYSTEM:

Gross to net payroll.
Payroll master.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Support for payment of payroll.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

ADP listing.

RETRIEVABILITY:

Alpha-numeric by employee.

SAFEGUARDS:

People given access are screened by responsible management personnel.

RETENTION AND DISPOSAL:

Federal records retention schedule.
Retained for 1 year - destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting Operations Division, M-45, Department of Transportation,
Office of the Secretary,
Accounting Operations Division, M-45,
400 7th Street, SW, Room 2228,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Office of the Secretary,
Accounting Operations Division, M-45,
400 7th Street, SW, Room 2228,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Same address as 'Notification Procedure'.

RECORD SOURCE CATEGORIES:

Time and attendance records.
Personnel actions (SF So)

DOT/OST 028.

SYSTEM NAME:

Personnel Convenience Files. DOT/OST.

SYSTEM LOCATION:

The following Secretarial Offices located at the
Department of Transportation (DOT),
Office of the Secretary (OST),
400 7th Street, SW,
Washington, DC 20590:
Immediate Office of the Secretary, S-1.
Office of the Deputy Secretary, S-2.
Special Assistants to the Secretary, S-3 through S-9.
Executive Secretary, S-10.
Contract Appeals Board, S-20.
Departmental Office of Civil Rights (except for the Complaints Division), S-30.
White House Fellow, S-9.
Additionally:
Departmental Office of Civil Rights,
Complaints Division, S-35,
2100 2nd Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, past and present.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following documents are kept in all offices:
Copies of orders, vouchers, and related documentation for local and non-local travel. Copies of some of the following documents are kept in all offices: except the Immediate Office of the Secretary and the Offices of the Deputy Secretary, Deputy Under Secretary, the White House Fellow and Special Assistants to the Secretary, for whom such documents are maintained by the Office of the Executive Secretary:
Standard Form 52, Request for Personnel Action.
Standard Form 7-B, Employee Record
Position Descriptions.
Performance evaluations.
Training records.
Payroll and leave records.
Commendations and awards.
Savings Bond and CFC campaign records.
Security classification documents.
Monthly Personnel Roster.
Savings Bond and CFC campaign records are maintained for reference in connection with future campaigns.
All other records are maintained for effective budgetary, manpower, and employee management and also for the use of the individual (not all items and not in all offices).

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy in file folders and binders.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Data available only by request of the senior official, his deputy, or secretaries to them, of the office or division in which the information is maintained. Provided only on a need-to-know basis.

RETENTION AND DISPOSAL:

Personnel records are retained until employee leaves.
Payroll records are retained three years.
Travel records normally retained at least one year.
Records are disposed of following minimal period of retention on a space-needed basis.

SYSTEM MANAGER(S) AND ADDRESS:

Senior official of each office listed.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the employee's supervisor.

RECORD ACCESS PROCEDURES:

Contact supervisor for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact supervisor for information on procedures for contesting records.
Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied by the senior official of the employee's office.
Further appeal, if necessary, should be to the Secretary of Transportation.

RECORD SOURCE CATEGORIES:

Information provided by the employee.
Informational copies provided by Personnel Operations Division.
Material generated within the employing office.

DOT/OST 030.

SYSTEM NAME:

Personnel Management Files. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),

Office of the Assistant Secretary for Policy, and International Affairs.
400 7th Street, SW,
Washington, DC 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees.
Prospective employees.
Prior employees - three years (payroll/time cards only).

CATEGORIES OF RECORDS IN THE SYSTEM:

Basic recruitment, employment, status and pay records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employment, pay and performance decisions.
Use by subject, supervisor, responsible official; administrative personnel in preparation; personnel and payroll offices in processing.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Copies of basic documents.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked files with personnel screening for access.

RETENTION AND DISPOSAL:

Retained only for control purposes, pending official action by Personnel or Payroll offices or management officials.
Pay records are retained for 3 years, then destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary for Policy, and International Affairs, and the Directors of the subordinate offices for records maintained in their respective offices.
all of which are located at the:
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries: Oral request by current employees to the System Manager. Written or direct inquiry by prior employees or applicants to:
Department of Transportation,
Office of the Secretary,
Director Management Staff, P-5,
400 7th Street, SW,
Washington, DC 20590.
Must provide notarized signature or social security number.

RECORD ACCESS PROCEDURES:

Current employees may have access to contents through the System Manager.
For all other inquiries - Office Director, P-5 at the address under Notification Procedure.

CONTESTING RECORD PROCEDURES:

Present employees may request changes through the System Manager, as above. If request denied, may refer to Review Officer, P-5, then to OST Review Officer. For all other inquiries - Office Director, P-5.

RECORD SOURCE CATEGORIES:

Subject, supervisor, responsible official, personnel and payroll offices.

DOT/OST 032.

SYSTEM NAME:

Management Operating Record System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security, M-50,
400 7th Street,SW, Room 10401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Office of Investigations and Security, OST, DOT.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains current employee Time and Attendance Cards, Travel Orders and Vouchers and Position Descriptions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system of records is maintained for internal administrative management and operating purposes by the M-50 Office Director and Division Chiefs.
Time and Attendance Cards are maintained for M-50 employees pay purposes and are forwarded to the Payroll Office.
Travel Orders are maintained for M-50 employees authorized to travel on DOT business and are forwarded to Travel Office and the Accounting Office to arrange necessary transportation and payment of expenses.
Travel Vouchers are maintained on M-50 employees to provide an ongoing tabulation of the Office's travel expenses.
Position Descriptions are maintained for positions within M-50 and are utilized internally by the Director and Division Chiefs for reference and to assure effective employee utilization.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Standard forms in individual folders in manual filing system.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

This system of records is stored in a locked room with limited access.

RETENTION AND DISPOSAL:

Records are maintained while an individual is an employee of the Office of Investigations and Security and are destroyed upon transfer or termination.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Investigations and Security, M-50,
Department of Transportation,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'.

CONTESTING RECORD PROCEDURES:

Same as 'System Manager'.

RECORD SOURCE CATEGORIES:

Employee and office generated statements and forms.

DOT/OST 034.

SYSTEM NAME:

Personnel Records. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10428,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorney and Clerical Employees of the Office of the General Counsel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 52.
Within Grade Increases.
Travel Authority and Vouchers.
Training Records.
Payroll and Leave Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For the individual's use.

Schedule training.
Statistics to recommend personnel actions.
Administrative reference material.
Budgetary information material.
Technical information material.
Work Territory assignments.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File cards in a locked safe.

RETRIEVABILITY:

Individual names filed alphabetically.

SAFEGUARDS:

Physical security consists of filing records in a locked safe.

RETENTION AND DISPOSAL:

Personnel records retained in active files duration of appointment, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Deputy General Counsel, C-2,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10428.

NOTIFICATION PROCEDURE:

Contact System Manager.

RECORD ACCESS PROCEDURES:

Contact System Manager.

CONTESTING RECORD PROCEDURES:

Contact System Manager.

RECORD SOURCE CATEGORIES:

Informational copies provided by the Office of Personnel & Training.

DOT/OST 035.

SYSTEM NAME:

Personnel Security Record System, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security, M-50,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT applicants, employees, former employees; candidates and designees to the DOT unit of the National Defense Executive Reserve, and detailees to DOT from other Federal agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of personnel security processing, personal data on investigative and employment forms completed by the individual, reports of investigations, records of security and suitability determinations, records of access authorizations granted, documentation of security briefings/debriefings received, record of security violations by the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Departmental personnel security officers for making security determinations and granting access authorizations, by Departmental personnel management officials for making suitability determinations, by representatives of other Federal agencies with which the individual is seeking employment, and by Federal agencies conducting official inquiries to the extent that the information is relevant and necessary to the requesting agency's inquiry, and by Departmental officials, to the extent necessary, to identify the individual to sources from whom information is requested for any of the foregoing purposes to inform the source of the nature and purpose of the request and to indicate the type of information requested.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Completed forms and typed pages in individual folders in a manual filing system, and on a manual system control cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in locked room with proprietary lock or in approved security safe. Access limited to authorized staff members.

RETENTION AND DISPOSAL:

Retained during employment in the Department, retained in accordance with GSA Records Schedule 18 after employment is terminated, authorized destruction done by secure means used for classified materials.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Investigations and Security, M-50,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager. However, information compiled solely for the purpose of determining suitability, elgibility, or qualification for Federal civilian employment or access to classified information may be exempted from the access provisions pursuant to 5 USC 552a(k)(5).

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Investigative sources contacted in full field, National Agency Check and Written Inquiry and similar investigations; investigative reports reviewed at other Government agencies; personal history statements, employment applications and other data provided by the individual and/or other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Information compiled solely for the purpose of determining suitability, eligibility, or qualification for federal civilian employment or access to classified information may be exempted from the access provisions pursuant to 5 USC 552a(k)(1) and/or(5).

DOT/OST 037.

SYSTEM NAME:

Records of Confirmation Proceeding Requirements for Proposed Executive Appointments to the Department of Transportation. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the Assistant General Counsel for Environmental, Civil Rights and General Law,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals nominated for top executive positions of the Department of Transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Financial data and biographical data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data submitted to the General Counsel as reviewing official by subject individual for use by the Senate

Commerce Committee to determine if there would be a conflict of interest, or the appearance of a conflict of interest, in subject's appointment to the Department of Transportation.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal sized documents located in locked safe.

RETRIEVABILITY:

Individual names filed alphabetically.

SAFEGUARDS:

Physical security consists of filing records in safe; data released to Senate Commerce Committee and authorized officials only of the Department.

RETENTION AND DISPOSAL:

Records are retained for 3 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Deputy General Counsel, C-2,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10428.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the Deputy General Counsel at the address above, either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the Deputy General Counsel.

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the Deputy General Counsel.

RECORD SOURCE CATEGORIES:

Documents are provided by subject individual.

DOT/OST 041.

SYSTEM NAME:

Secretariat Information Retrieval System (SIRS). DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the Executive Secretary,
400 7th Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who write, or are referred in writing by a second party,to the Secretary, Deputy Secretary, Deputy Under Secretary, and their immediate offices.

Individuals who are the subject of an action requiring approval or action by one of the forenamed, such as appeal actions, training, awards, foreign travel, promotions, selections, grievances, and discipline.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence submitted by, or on behalf of, an individual, including resumes, letters of reference, etc.

Responses to such correspondence.

Staff recommendations on actions requiring approval or action by one of the forenamed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the appropriate action office within or outside the Department for preparation of a response.

Referral to the appropriate agency for actions involving matters of law or regulation beyond the responsibility of the Department, such as the Civil Service Commission for employee appeals, the Department of Justice in matters of law enforcement, etc.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer microdisc and - selectively - on microfilm for all records since 1/1/74.

In hard copy for all records prior to 1/1/74.

RETRIEVABILITY:

Indexed by name of correspondent, referring individual, and subject category (e.g., 'employment' for applicants) from 1/1/74 on.

Indexed by name of correspondent prior to 1/1/74.

SAFEGUARDS:

Computer microfilm records, and remote reader terminals, which permit random access to the system records, are locked after office hours.

During office hours computer is accessible only through terminals operated by, and under the surveillance of, authorized employees of the Executive Secretary.

RETENTION AND DISPOSAL:

Hard-copy records for 1967-1969 and duplicate microfilms for 1974-1975 are in the custody of National Archives and Records Service (NARS).

Records from 1970 and following are retained in the Departmental headquarters building.

Records are retired to NARS on a space-needed basis.

SYSTEM MANAGER(S) AND ADDRESS:

The Executive Secretary at the address above.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager. Helpful information, in addition to the individual's name, includes date(s), subject matter, and addressee(s) of the incoming correspondence, and date(s) and author(s) of the response(s).

RECORD ACCESS PROCEDURES:

Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Correspondence from individual, his representative or sponsor.

Responses to incoming correspondence.

Related material provided for background as appropriate.

DOT/OST 042.

SYSTEM NAME:

Technical Pipeline Safety Committee. DOT/OST.

SYSTEM LOCATION:

Department of Transportarion (DOT),
Office of the Secretary (OST),
Materials Transportation Bureau (MTB),
2l00 Second Street, SW, Room 6226,
Washington,DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Technical Pipeline Safety Standards Committee- intermittent consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data in support of member's nomination.

Letters and news releases for member's appointment/reappointment.

Personnel Actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General reference purposes for support functions.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders.

RETRIEVABILITY:

Alphabetically by name within subject area.

SAFEGUARDS:

Room locked after hours, most information is public knowledge.

RETENTION AND DISPOSAL:

Kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Pipeline Safety Operations, MTP-1,
Department of Transportation,
Materials Transportation Bureau,
2100 Second Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Address inquiries to System Manager including individual/s name.

RECORD ACCESS PROCEDURES:

Information may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

Same as for Access above.

RECORD SOURCE CATEGORIES:

Personnel Action (SF 50).
Travel Vouchers (SF 1012).
Certificate of Consultant's Services.
Press Releases.
Administrative Correspondence/ Memorandums.

DOT/OST 043.

SYSTEM NAME:

Telephone Directory and Locator System. DOT/OST.

SYSTEM LOCATION:

Opportunity Systems, Inc. (OSI),
1330 Massachusetts Avenue, NW,
Washington, DC 20005.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Transportation (DOT) headquarters employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Alphabetic Employee Master Records and GSA Metrocentrex Locator Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Departmental Alphabetic Directory production,
DOT Mail Room,
DOT Locator Service, and
GSA Metrocentrex Locator Service.
Used by DOT Telephone Directory Representatives, DOT Mail room, and Publishing and Graphics Division Control Clerk.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape storage via batch processing. Source data returned to DOT.

RETRIEVABILITY:

Can retrieve on social security number or on name.

SAFEGUARDS:

Only DOT & OSI personnel have access to tapes.

RETENTION AND DISPOSAL:

Tapes are retained through three (3) cycles, grandfather, father, son, and then scratched. Source materials are retained until the next update is completed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Publishing and Graphics Division, M-48,
Department of Transportation,
Office of the Secretary,
Office of Administrative Services,
400 7th Street, SW, Room 2317,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Contact Publishing and Graphics Division at the address above.

RECORD ACCESS PROCEDURES:

Contact Publishing & Graphics Division, M-48 at the address above.
Individual may review own data upon presentation of valid DOT ID card.

CONTESTING RECORD PROCEDURES:

Individual may change own data at any time.

RECORD SOURCE CATEGORIES:

DOT F 1700.1 - DOT Form prepared for each employee.

DOT/OST 044.

SYSTEM NAME:

Travel and Transportation Management File. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Accounting Operations Division, M-45,
400 7th Street, SW, Room 2228,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All travelers visits using OST travel funds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel Vouchers.
Travel Authorizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Subsidiary Accounting Records.
Records used by:
Accounting Operations Division employees.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Open files.

RETRIEVABILITY:

Alphabetically by employee name.

SAFEGUARDS:

Persons given access are screened by responsible management personnel.

RETENTION AND DISPOSAL:

Destroy after 4 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Accounting Operations Division, M-45,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW, Room 2228,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Office of the Secretary,
Accounting Operations Division, M-45,
400 7th Street, SW, Room 2228,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure'.

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure'.

RECORD SOURCE CATEGORIES:

Program Offices.

DOT/OST 045.

SYSTEM NAME:

Unsolicited Contract or Research and Development Proposals Embodying Claims of Proprietary Rights. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who believe they have original and innovative ideas in the field of transportation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of descriptions of proposed innovations or inventions and methods of carrying out the proposal. Evaluations by Patent Counsel of the adequacy and propriety of restrictive markings on the proposals and correspondence of the Patent Counsel pertaining thereto.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of Patent Counsel's action in individual unsolicited proposal cases.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets (Conserv-a-File).

RETRIEVABILITY:

Indexed individually by name and subject in alphabetical sequence.

SAFEGUARDS:

Records are disclosed only in accordance with the terms of restrictive markings agreed upon between submitter and DOT.

RETENTION AND DISPOSAL:

Transfer to storage when three years old; Destroy after six years.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Patent Counsel, C-15,
U.S. Department of Transportation,
Washington, D.C. 20590.
Office Location:
400 7th Street, SW, Room 10424.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Forwarded by individual or by the DOT office to whom unsolicited proposal was addressed.

DOT/OST 046.

SYSTEM NAME:

Visit Control Records System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of Investigations and Security, M-50,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOT employees, Industrial Security contractor employees, non-employee visitors to DOT facilities during security hours.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of clearance certification (level, date granted and basis) on employees to visit facilities or attend meetings involving classified information. Record of security clearance data for visitors to DOT facility from other agencies and from contractors. Record of individuals other than employees who are authorized access to DOT facilities during security hours.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Confirming to the proper authorities the security clearance for individuals requiring access to classified information; identifying individuals authorized to be present in DOT facilities during security hours.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Visitor forms and letters.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Stored in locked room with proprietary cipher lock, available only to authorized staff members.

RETENTION AND DISPOSAL:

Maintained until expiration of visit, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Investigations and Security, M-50,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW, Room 10401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Security clearance information furnished by personnel security officers. Visit data furnished by individual.

DOT/OST 056.

SYSTEM NAME:

Garnishment Files. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
Office of the Assistant General Counsel for Environmental,
Civil Rights and General Law,
400 7th Street, SW, Room 10424,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of Transportation, including members of the Coast Guard, whose pay is sought to be attached under section 459 of the Social Security Act , 42 U.S.C. 659.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and court orders, and copies thereof,concerning attachment of employees' pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as record of garnishments and Garnishment Attorney's action thereon.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in the Garnishment Attorney's office.

RETRIEVABILITY:

Indexed individually by name in alphabetical order.

SAFEGUARDS:

Records are disclosed only to individuals with established legal interest or legal 'need to know'.

RETENTION AND DISPOSAL:

Retained for as long as the attachment of pay continues and thereafter as needed for precedential value.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Garnishment Attorney, C-10,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10424.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Apply to System Manager.

RECORD SOURCE CATEGORIES:

Data is obtained from state courts and agencies, private attorneys, present and former spouses of employees, and federal pay records.

DOT/OST 057.

SYSTEM NAME:

Honors Attorney Recruitment Files. DOT/OST.

SECURITY CLASSIFICATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the General Counsel,
400 7th Street, SW, Room 10428,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Third-year law students and recent law school graduates.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes, transcripts, copies of Personnel Form 171.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by General Counsel, Chief Counsels, and their staffs in filling job vacancies for attorneys.

See also Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders in file cabinets.

RETRIEVABILITY:

Indexed individually by name in alphabetical order.

SAFEGUARDS:

Records are disclosed only to individuals who have legal interests in the records or legal 'need-to-know.'

RETENTION AND DISPOSAL:

Retained at system location for 5 years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Special Assistant to the General Counsel, C-4,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 10428.

NOTIFICATION PROCEDURE:

Contact the System Manager.

RECORD ACCESS PROCEDURES:

Contact the System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure.'

RECORD SOURCE CATEGORIES:

Law students, recent law school graduates, General Counsel, Chief Counsels and their staffs.

DOT/OST 058.

SYSTEM NAME:

Public Information Distribution System. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
400 7th Street, SW,
Washington, DC 20590.
System is located in the
Office of Public Affairs, I-30,
and in the
Office of the Assistant Secretary for Administration, M-1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

News media representatives; Federal, state and local government officials; Congressional representatives and Senators; educators; librarians; foreign government and foreign industry officials; domestic transportation industry officials; and interested members of the general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names and addresses; subjects of interest to addressee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For effective dissemination of Departmental public information materials.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disc; Xerox 730 cards; and computer printouts.

RETRIEVABILITY:

By name of addressee; by subject of interest.

SAFEGUARDS:

Computer storage secured by access codes and passwords; cards and printouts are stored in locked files, accessible only by authorized personnel.

RETENTION AND DISPOSAL:

Record of addressee retained until person wishes to be removed from list or until deleted as a result of annual purge.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Public Affairs,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the:
Department of Transportation,
Office of the Secretary,
Director of Public Affairs,
400 7th Street, SW,
Washington, DC 20590.

RECORD ACCESS PROCEDURES:

Contact System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact System Manager for information on procedures for contesting records. Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Published lists (e.g., media directories); other governmental agencies; and specific requests by addressees and interested parties.

DOT/OST 059.

SYSTEM NAME:

Files of the Board for Correction of Military Records (BCMR) for the Coast Guard. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT), Office of the Secretary (OST), Office of the General Counsel, Board for Correction of Military Records, 400 7th Street, SW, Room 9414, Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed applications for relief before the Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and related documents, Board decisions, and official military records of applicants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Chairman, the Board, the Executive Secretary and Staff in determining whether to grant relief to applicants.

Used by the Coast Guard in presenting its views to the Board concerning pending cases. Also used by applicant and his representative.

Used by the General Counsel and his staff in determining whether to approve decisions of the board.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders stored in file cabinets.

RETRIEVABILITY:

Indexed individually by name in one of two alphabetical sequences representing pending and closed cases. Also indexed by docket number. Pending cases filed by docket number; closed cases filed alphabetically.

SAFEGUARDS:

Records are disclosed only to the applicant, his representative, interested members of Congress, and the Coast Guard.

RETENTION AND DISPOSAL:

Transfer of official military record of individual separated from service to Federal Records Center when case closed; transfer of official military record of Active or Reserve member to Coast Guard Headquarters when case closed; re- tention of application file in all cases.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Executive Secretary,
Board for the Correction of Military Records, C-60,
U.S. Department of Transportation,
Washington, DC 20590.
Office Location:
400 7th Street, SW, Room 9414.

NOTIFICATION PROCEDURE:

Apply to System Manager.

RECORD ACCESS PROCEDURES:

Apply to System Manager.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

U.S. Coast Guard, Veterans Administration, individual applicants.

DOT/OST 061.

SYSTEM NAME:

Records of Official Time Granted Employees for Performing Representational Functions.

SYSTEM LOCATION:

All DOT locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

None.

CATEGORIES OF RECORDS IN THE SYSTEM:

All employees representing other DOT employees, pursuant to such employees' right to representation under statute, regulation, executive order, or the terms of a collective bargaining agreement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This system records the amount of official time granted to individuals to perform employee representational functions, and the purpose for which the official time was used. Information in these records may be used: 1. By agency officials and officially recognized labor unions for review to assure that the use of official time is in accordance with applicable government/agency policy and regulations. 2. Preparation of analytical and statistical studies and reports. 3. See prefatory statement of general routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, punch cards, magnetic tape, discs, or by other electronic means.

RETRIEVABILITY:

These records are retrieved by name or by category of use.

SAFEGUARDS:

Access to and use of these records are limited to agency personnel whose official duties require such access, and to officially recognized labor unions with respect to employees within the units that they represent. Safeguards include locked buildings, guard service, and locked file cabinets.

RETENTION AND DISPOSAL:

Statistical information from these records may be made available to other agencies or to the interested public. These records are destroyed after three years.

SYSTEM MANAGER(S) AND ADDRESS:

The Personnel Officer of each DOT facility, or the Chief, Labor-Management Relations Division, Office of Personnel and Training, Office of the Assistant Secretary for Administration, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Contact or write to the System Manager for information on procedures for gaining access to records.

CONTESTING RECORD PROCEDURES:

Contact or write the System Manager. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

Federal employees and supervisors.

DOT/OST 062

SYSTEM NAME:

Biographies of Key Officials Book DOT/OST

SYSTEM LOCATION:

Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records contains information regarding DOT key officials. The key officials included in the book are subject to change because of personnel changes or at the request of the Secretary.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains basic biographical information and pictures of

persons holding key positions within the Department of Transportation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide the Secretary with the professional experience and educational background of his/her key executives, which allows him/her to become more familiar with top executives.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in locked file cabinets in a locked room.

RETRIEVABILITY:

The book is indexed first by organization, then position title and name.

SAFEGUARDS:

Access to and use of this record is limited to the Secretary and to those persons whose official duties require such access. (Not releasable under the Freedom of Information Act without the permission of those individuals in the book.)

RETENTION AND DISPOSAL:

These records are destroyed one year after the person has left the covered position.

SYSTEM MANAGER(S) AND ADDRESS:

Mail Address:
Department of Transportation
Office of the Secretary
Executive Personnel Management Division (M-13)
400 7th Street, S.W.
Washington, D.C. 20590
Office Location: Nassif Building Room 9103

RECORD ACCESS PROCEDURES:

Employees who wish to gain access or contest their records should contact the System Manager(s).

NOTIFICATION PROCEDURE:

Contact System Manager.

RECORD SOURCE CATEGORIES:

Information in this system of records either comes from the individual to whom it applies or is derived from information he supplied.

DOT/OST 090.

SYSTEM NAME:

Memorandum of Monthly Performance of Keypunch Operators. DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT),
Assistant Secretary for Administration (M-90),
Transportation Computer Center,
Operations Division - Data Section,
400 7th Street, SW, Room 2401,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Keypunch and key-to-tape operators.

CATEGORIES OF RECORDS IN THE SYSTEM:

The System consists of a Computer Printout Report containing various production information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is used as a measurement of employee performance and equipment utilization by TCC managers.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The report is in the form of a computer printout.

RETRIEVABILITY:

System is indexed by employee number. Employee's name does not appear on report.

SAFEGUARDS:

Report is returned and filed in a folder by Chief, Data Section in a locked file drawer.

RETENTION AND DISPOSAL:

The reports are kept for a period of one year at which time they are disposed of by a shredding process.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, TCC Operations Group A,
Department of Transportation,
Assistant Secretary for Administration (M-90),
Transportation Computer Center,
400 7th Street, SW, Room 2401,
Washington, DC 20590.
Chief, TCC Operations Group B,
Department of Transportation,
Assistant Secretary for Administration (M-90),
Transportation Computer Center,
400 7th Street, SW, Room 2401,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as in 'System Manager' above.

RECORD ACCESS PROCEDURES:

Same as in 'System Manager' above.

CONTESTING RECORD PROCEDURES:

Same as in 'System Manager' above.

RECORD SOURCE CATEGORIES:

The information comes from an employee utilization form filled out by each operator for each job keyed.

DOT/OST 100

SYSTEM NAME:

Investigative Record System. DOT/OST

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Office of the Inspector General
400 7th Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former DOT employees, DOT contractors and employees as well as grantees, subgrantees, contractors, subcontractors and their employees and recipients of DOT monies, and other individuals or incidents subject to investigation within the purview of the Inspector General Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of investigations and inquiries conducted by Inspector General (OST); reports of investigations conducted by other departmental, Federal, state and local investigative agencies which relate to the mission and function of the Inspector General; and investigative case index card files.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in the Investigative Records System is collected and maintained in the administration of the Inspector General Act of 1978 (Public Law 95-452) to investigate, prevent and detect fraud and abuse in departmental programs and operations. Material gathered is used for prosecutive, civil or administrative actions. These records may be disseminated, depending on jurisdiction, to:

DOT Officials in the administration of their responsibilities.

Other Federal, state, local or foreign agencies or administrations having interest or jurisdiction in the matter.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in case folders in manual filing system and on index cards.

RETRIEVABILITY:

By name or incident title.

SAFEGUARDS:

Investigative files and case index files are maintained in several spaces with appropriate access controls. Access to investigative files is restricted to authorized investigative personnel on a 'need to know' basis.

RETENTION AND DISPOSAL:

Investigative material held for ten years, then destroyed by secure means used for classified materials.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General (J-1),
Department of Transportation,
Office of the Secretary,
400 7th Street, S.W.
Washington, D.C. 20590

NOTIFICATION PROCEDURE:

Same as 'System Manager'.

RECORD ACCESS PROCEDURES:

Same as 'System Manager'. Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 USC 552a(k)(1), (k)(2), or (j)(2).

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

These records contain information obtained from interviews, review of records and other authorized investigative techniques.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 USC 552a(j)(2), (k)(l) or (k)(2).

DOT/OST 101.

SYSTEM NAME:

Office of Inspector General, Management Information System (OIG/MIS).

SYSTEM LOCATION:

Office of Inspector General,
Management Information Staff,
Room 9200, 400 7th Street, S.W.,
Washington, D.C. 20590.
Using the Computer Sciences Corporation Infonet Timesharing System, Beltsville, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active employees of the OIG, with history data on previous employees maintained for two years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's current position and employment status, assignments, travel, experience, training, with the following personal data: name, social security account number, date of birth, service computation date, career status, address, assigned station, job series, clearance, education, grade and evaluation due date.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There will be no external uses. Internally, information will be used as follows: (1) Security clearance notification alerts may be provided to an examined activity in advance of visits by OIG personnel if information to be examined requires a secret clearance or above; (2) Time and attendance reports will be used to track temporary duty travel frequency and duration, to categorize indirect time for periodic reports, to accrue staff hour data on assigned projects, and to provide time and attendance data to the centralized payroll system; (3) Planned annual leave reporting will be used by various managers for workload planning and travel scheduling; (4) Assignment information and workload status information will be used by managers to control audits and investigations, and to maximize effectiveness or staff resources; (5) Miscellaneous personnel information will be used by staff managers to determine training needs, promotional eligibility, education and background, and professional organization participation; (6) Travel information will be used by managers to control temporary duty travel, travel costs and issuances of travel orders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Active reports on magnetic disk, with backup active records and inactive records maintained on magnetic tape.

RETRIEVABILITY:

All records will be retrievable through employee social security number, with selected records having certain secondary keys consisting of certain other data elements, listed in the 'Categories of Records in the System'.

SAFEGUARDS:

(1) Records will be maintained in a private library not accessible by any unauthorized user; (2) Authorized user identification codes will be tied to multiple password system to afford additional protection; (3) Any attempt to bypass the password protection system will result in an immediate 'Log-Off' from the system; (4) Physical access to system documentation, hard copy printouts, personal data files, and terminals will be restricted to authorized personnel by maintaining a secure environment in the headquarters office; (5) Access to data will be restricted to those who require it in the performance of their official duties and to the individual who is the subject of the record (or authorized representative); (6) Tape files will be maintained in an environmentally secure vault area when not in use.

RETENTION AND DISPOSAL:

Records will be maintained for two years after they become inactive. All inactive records will be maintained on magnetic tape within the computer center and will be afforded the same safeguards as active records. Machine-resident records will be destroyed at the end of the two year period. Hard copy records will be retained until the records are replaced or become obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management Information Staff,
Office of Resources and Management, JP-20,
Office of the Inspector General,
Room 9200, 400 7th Street, S.W.,
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Office of Inspector General,
Room 9200, 400 7th Street, S.W.,
Washington, D.C. 20590
Attn: Assistant Inspector General for Resources and Management.

RECORD ACCESS PROCEDURES:

Contact System Manager.

RECORD SOURCE CATEGORIES:

(1) Official personnel folder; (2) Other personnel documents; (3) Activity supervisors; (4) Individual applications and forms.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigative data compiled for law enforcement purposes may be exempt from the access provisions pursuant to 5 USC 552 a(j)(2), (k)(1) or (k)(2).

DOT/RSPA 01.

SYSTEM NAME:

Funds Management Records, DOT/RSPA.

SYSTEM LOCATION:

Department of Transportation (DOT),

Research and Special Programs Administration,
Office of Emergency Transportation, (OET), (DPB-30),
400 7th Street, SW, Washington, DC 20590.
Regional Emergency Transportation Coordinator (RETCO),
Regions 1 and 2,
c/o Commander 1st Coast Guard District,
150 Causeway Street,
Boston, MA 02114.
RETCO, Region 3,
c/o Federal Highway Administration,
1633 Federal Building,
Baltimore, MD 21201.
RETCO, Region 4,
c/o Federal Aviation Administration,
P.O. Box 20636,
Atlanta, GA 30320.
RETCO, Region 5,
c/o Federal Highway Administration,
18209 Dixie Highway,
Homewood, IL 60430.
RETCO, Region 6,
c/o Federal Aviation Administration,
P.O. Box 1689,
Ft. Worth, TX 76101.
RETCO, Region 7,
c/o Federal Highway Administration,
P.O. Box 19715, Country Club Sta.,
Kansas City, MO 64141.
RETCO, Region 8,
c/o Federal Highway Administration,
Denver Federal Center,
Denver, CO 80225.
RETCO, Region 9,
c/o United States Coast Guard,
Commander Pacific Area,
630 Sansome Street,
San Francisco, CA 94126.
RETCO, Region 10,
c/o Commander 13th Coast Guard District,
Federal Building, Room 3588,
915 Second Avenue,
Seattle, WA 98174.
RETCO, Alaska Region,
c/o Federal Aviation Administration,
P.O. Box 14, 701 C Street,
Anchorage, AK 99513.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the National Defense Executive Reserve (NDER); private citizens; Military members; U.S., State, and local government officials and civil servants, who participate in Fund activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Receipt forms by individual name, with dates, amounts of money received, and purpose with vouchers to enter the fund; checks with vouchers in payment of approved invoices; procurement requests for authorized services; invoices for services rendered and correspondence to agencies, firms and individuals pertaining to the above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal management of non-appropriated funds of NDER units, National and Regional, in authorized training activities of those units.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual records are maintained in a filing folder appended to numbered vouchers.

RETRIEVABILITY:

Retrieved only by incident or occasion to which voucher pertains.

SAFEGUARDS:

Maintained in metal file containers or other standard office equipments which are kept in a locked file room.

RETENTION AND DISPOSAL:

Retained for three years.

SYSTEM MANAGER(S) AND ADDRESS:

Custodian, Organization Fund,
Department of Transportation,
Research and Special Programs Bureau,
Office of Emergency Transportation Unit,
National Defense Executive Reserve,
400 7th Street, SW, Room 8330,
Washington, DC 20590. For each Region the RETCO (Section 02) is manager of the Regional Fund.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to any of the offices listed under 'System Locations'. Individuals requesting such information must sign the request personally and include suitable identification. Alternatively personal visits to the above locations with presentation of suitable identification will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Individual may secure or obtain information or procedures for gaining access to records by addressing a written query to the offices cited above or presenting him or herself in person to those offices.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Data comes from individuals concerned.

DOT/RSPA 02.

SYSTEM NAME:

National Defense Executive Reserve (NDER) File. DOT/RSPA.

SYSTEM LOCATION:

Office of Emergency Transportation (OET) (DPB-30).
Department of Transportation,
400 7th Street, SW,
Washington, D.C. 20590.
Some records are held only in the Office of Emergency Transportation while others are held at various locations in the custody of officials in the several regions, as indicated in the paragraph labeled 'Categories of Records' below. Holdings of the Regional Directors-designate and Deputy Directors-designate are partial duplications of the Regional Emergency Transportation Coordinator(RETCO) files and may be accessed through the applicable RETCO. The RETCO and the Regional Emergency Transportation Representative(RETREP) for each region may be contacted directly at the addresses shown below. The Regional Director-designate and Deputy Director-designate for each region may be contacted by addressing mail in care of the RETCO for that region at the address shown in the following list:
Regions 1 and 2,
150 Causeway Street,
Boston, MA 02114.
Region 3,
1633 Federal Building,
Baltimore, MD 21201.
Region 4,
P.O. BOx 20636,
Atlanta, GA 30320.
Region 5,
18209 Dixie Highway,
Homewood, IL 60430.
Region 6,
P.O. Box 1689,
Ft. Worth, TX 76101.
Region 7,
P.O. Box 19715,
Country Club Sta.,
Kansas City, MO 64141.
Region 8,
Denver Federal Center,
Denver, CO 80225.
Region 9,
630 Sansome Street,
San Francisco, CA 94126.
Region 10,
Federal Bldg.,
Rm. 3588,
915 Second Ave.,
Seattle, WA 98174.

Alaska Region,
P.O. Box 14, 701 C Street,
Anchorage, AK 99513.
Emergency Facilities Liaison Officer,
FAA Records Center,
West King Street and South Maple Avenue,
Martinsburg, WV 25401.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Upper, middle, and lower management members of the transportation industry, university professors, lawyers, labor leaders, and businessmen who are candidates for membership in NDER, active members of NDER, or who are former members whose membership has been terminated by death, resignation or involuntary release, and emeritus members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel and security forms completed by individuals consisting of applications, statements of understanding by employers, security and identifcation data from individuals, certificates of appointment and reappointmen (located at DOT/RSPA/OET and RETCOs only); names and addresses of individuals for directory (maintained at DOT/RSPA/OET only); name and address card file (maintained at DOT/OST/OET only); card file with name, date of appointment and date of reappointment (in OET only); lists of reservists in process including active and Emeritus members and former members showing steps in process, numerical sequence, unit assignment, name date of designation, state of residence, date of separation and reason (in OET only); contact file of those previously nominated but not appointed, or once in program but not no longer members, with date and reason for non-affiliation (in OET only); personal data sheet for each individual which presents summary of pertinent data including photograph to assist professional staff in evaluating the member and assigning member on appointment and reappointment or during active membership (this record held at all locations).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal personnel management of the NDER for the Department of Transportation, which includes staff action and exchange of data with the Office of the Director, Federal Emergency Management Agency, which is responsible for the entire National Defense Executive Reserve Program. Available to the Secretary, any Secretarial Officer, head of an operating administration, or their designated subordinates who require access in the pursuit of their duties. Available to director and staff members of OET, to RETCO's and their staff members, to Regional Directors-designate and Deputies and the Emergency Facilities Liaison Officer, FAA Records Center (for storage purposes only) who require access in pursuit of their duties.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Individual records are maintained in a manual system in a locked file room consisting of a filing jacket with the individual's name tabbed and containing all papers pertaining to him or her, except the following which are maintained as stated.

Directory - stored in bulk in steel containers.

Mailing List - maintained in standard card file.

Chronological File - maintained in standard card file.

Contact File - maintained in standard card file.

Personal Data Sheets - maintained in separate loose leaf note books or in personnel jackets at option of holder.

RETRIEVABILITY:

Indexed alphabetically by name. Retrieved manually.

SAFEGUARDS:

Maintained in metal file containers or other standard office equipment.

RETENTION AND DISPOSAL:

Held for five years from date of separation and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Emergency Transportation, Research and Special Programs Administration (DPB-30), Department of Transportation (Room 8330), Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to any of the offices and officials listed under 'System Locations'. Individuals requesting such information must sign the request personally and include in the text of the request suitable identification. Alternatively, personal visits to the above locations with presentation of suitable identification will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under 'System Location' above (except the Emergency Facilities Liaison Officer, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, which maintains duplicate files in storage only) or (3) presenting himself or herself in person to those offices.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Personal data submitted by the individual; data from his or her employer; recommendations from colleagues; mailing data from existing distribution system.

DOT/RSPA 03.

SYSTEM NAME:

Security Management Records. DOT/RSPA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Research and Special Programs Administration (RSPA),
Office of Emergency Transportation (OET),
400 7th Street, SW, Room 8330,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All members of OET.

CATEGORIES OF RECORDS IN THE SYSTEM:

Jacket file of all security clearance records of all personnel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Management by Director OET and Security Officer of security classification levels required by missions and functions of OET.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in single folder with all pertinent items included alphabetically.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Restricted to use by Director of Emergency Transportation and the OET Security Officer. File maintained in a locked 3-combination safe.

RETENTION AND DISPOSAL:

Retained during period of employment. Transferred with the individual or returned to Security Office of OST.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Emergency Transportation,
Department of Transportation,
Research and Special Programs Administration (DPB-30),
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the office listed under 'System Location'. Individuals requesting such information must sign the request personally. Alternatively, personal visits to the above location with presentation of necessary identification will enable individual to have access to his record.

RECORD ACCESS PROCEDURES:

Individual may secure information on procedures for gaining access to records by (1) addressing a written query to the office cited under System Location above or (2) presenting himself in person to that office.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedure'.

RECORD SOURCE CATEGORIES:

Data from individual, and from Director of Investigations and Security, Department of Transportation.

DOT/RSPA 04.

SYSTEM NAME:

Transportation Research Activities Information Service (TRAIS).DOT/RSPA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
Transportation Systems Center (TSC),
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Program/Project Managers and research investigators.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notification of Technical Research and Development.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on on-going and completed research and development accomplishments.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievable by keywords and unique accession number assigned by Data Base Administrator; batch process or on-line interaction.

SAFEGUARDS:

Physical security - user identification and passwords.

RETENTION AND DISPOSAL:

Up to three-year retention and then tape is reused which destroys previous data.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transprotation Research Activity Information Services Branch, TST-25.1,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Contract Awards from Contracting Offices, Publication of Technical Report.

DOT/RSPA 05.

SYSTEM NAME:

Transportation Research Information Service on line (TRIS-On-Line).DOT/RSPA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Office of the Secretary (OST),
System physically located at the:
Battelle Laboratories,
Columbus, OH

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Program/Project Managers and authors of reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Notification of Technical Research and technical reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information on on-going and completed research and development accomplishments.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer disc storage and magnetic tape.

RETRIEVABILITY:

Retrievable by keywords and accession number assigned by Data Base Administrator, batch or on-line interaction.

SAFEGUARDS:

Physical security - User identification keywords and passwords.

RETENTION AND DISPOSAL:

Up to five-year accessibility, tape goes to archival storage.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation Research Information Services Branch, TST-25.1,
Department of Transportation,
Office of the Secretary,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Contract awards received from Contracting Offices, Publication of Technical Reports.

DOT/RSPA 06.

SYSTEM NAME:

Emergency Alerting Schedules. DOT/RSPA.

SYSTEM LOCATION:

These records are located in the national headquarters of the Offices of the Secretary; the heads of operating administrations, regional offices of the Regional Emergency Transportation Coordinators, the Regional Administrators, Directors and

Commanders of the operating administrations and in headquarters of operating administrations divisions, district commands, and other field offices of the Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional and clerical employees and military members of the U.S. Government, Directors - designate and Deputy Directors - designate and members of the National Defense Executive Reserve who have been given emergency billet assignments within the Department of Transportation Emergency Structure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Alerting Charts and Schedules show names and office and home telephone numbers of individuals in calling sequence and are listed by national headquarters and by regional offices; also contain similar listings designed for management convenience within DOT and the operating elements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For identification of individuals required to insure viability of DOT in the immediate preattack - transattack - postattack period of a national defense emergency. Available to the Secretarial Officers, heads of operating administrations or designated subordinates (national and regional) and to individuals listed.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Publication is maintained in stock, in listings in each office of record, and in standard filing equipment in locked file rooms.

RETRIEVABILITY:

Manually by position listing.

SAFEGUARDS:

Metal file containers or other standard office equipment secured in a locked file room during office duty hours.

RETENTION AND DISPOSAL:

Retained until republished then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Emergency Transportation, DPB-30,
Department of Transportation,
Research and Special Programs Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to any of the offices listed under 'System Locations'. Individuals requesting such information must sign the request and include suitable identification.

Alternatively, personal visits to the above locations with presentation of the above credentials will enable individual to learn of and have access to his or her record.

RECORD ACCESS PROCEDURES:

Individual may secure or obtain information on procedures for gaining access to records by (1) referral to the information sheet issued to him or (2) addressing a written query to the offices cited under System Location. (except the Facility Manager, FAA Records Center, West King Street and South Maple Avenue, Martinsburg, WV 25401, who maintains duplicate files in storage only) or (3) presenting himself to those offices.

CONTESTING RECORD PROCEDURES:

Same as 'Record Access Procedures'.

RECORD SOURCE CATEGORIES:

Office or Agency of employment.

DOT/RSPA 07.

SYSTEM NAME:

Time and Attendance Report (FHWA Form 320 (7-73)] for the Office of Emergency Transportation. DOT/RSPA.

SYSTEM LOCATION:

Department Transportation (DOT),
Research and Special Programs Administration,
Office of Emergency Transportation (OET), (DPB-30),
400 7th Street, SW, Room 8330,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional and clerical employees, permanent and temporary, and consultants employed in OET.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record consists of a computer punch card with a tissue carbon.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to maintain record of attendance at duty station and leave accounts of employees concerned.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained alphabetically in desk of the administrative secretary to the Director.

RETRIEVABILITY:

Maintained alphabetically; retrieved manually.

SAFEGUARDS:

Maintained in a locked file room in a building under 24 hour guard; admission by building pass only.

RETENTION AND DISPOSAL:

Hard copy forwarded to paymaster every pay period; tissue retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Emergency Transportation, DPB-30,
Department of Transportation,
Research and Special Programs Administration,
400 7th Street, SW,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to the System Manager. Individuals requesting such information must sign the request and provide suitable identification.

Alternatively, a personal request to the System Manager or his representative will enable the individual to have access to his record.

RECORD ACCESS PROCEDURES:

Individual may obtain information on procedures for gaining access by addressing a written query to the system manager or by presenting himself to the office cited in location above.

CONTESTING RECORD PROCEDURES:

Individual may obtain information on contest by request to the System Manager.

RECORD SOURCE CATEGORIES:

Individuals concerned. Personnel and pay account records.

DOT/SLS 151.

SYSTEM NAME:

Claimants under Federal Tort Claims Act. DOT/SLS.

SYSTEM LOCATION:

Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Administration Building,
P.O. Box 520
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who make claims against the Corporation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claims forms on which are recorded name, address, age and marital status of claimants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by General Counsel to determine allowability of claims.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Indexed by subject and name.

SAFEGUARDS:

Records are kept in locked file cabinets and are accessible only to the General Counsel and his secretary.

RETENTION AND DISPOSAL:

Records are retained indefinitely since they are not extensive and are used for reference.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel,
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
P. O. Box 520,
Massena, NY 13662.

NOTIFICATION PROCEDURE:

The individual may inquire, in writing, to the above System Manager to inquire whether this system of records applies to him/her.

RECORD ACCESS PROCEDURES:

An individual may gain access to his/her records by written request to the:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P.O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contest of these records will be directed to the Director of Administration, as under 'Record Access Procedure',and if not resolved at that level, may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator, SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Claimants.

DOT/SLS 152.

SYSTEM NAME:

Data Automation Program Records. DOT/SLS.

SYSTEM LOCATION:

Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Administration Building,
P.O. Box 520
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll and leave records, work measurement records, travel vouchers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Payroll and voucher disbursement: GAO audits.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape reels, punch cards, micro-film cassettes and supporting documents.

RETRIEVABILITY:

Indexed by social security number and name.

SAFEGUARDS:

Records are kept in locked file cabinets or locked rooms accessible to appropriate supervisor, his immediate assistants and secretary.

RETENTION AND DISPOSAL:

Records are retained in accordance with GAO and GSA schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller,
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
P.O. Box 520,
Massena, NY 13662.

NOTIFICATION PROCEDURE:

The individual may inquire, in writing, to the System Manager to inquire whether this system of records applies to him.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by written request to:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P.O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contest of these records will be directed to the Director of Administration, at the address given in 'Record Access Procedure'.

If not resolved at that level, may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator, SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Information obtained from employees, personnel records, consultants.

DOT/SLS 153.

SYSTEM NAME:

Employees' Compensation Records. DOT/SLS.

SYSTEM LOCATION:

Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Administration Building,
P.O. Box 520
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Claim forms on which are recorded employees' personal statistics, medical record.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For determining allowability of claims.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and micro-film cassette.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in locked file cabinets and are accessible to cognizant Personnel Officers.

RETENTION AND DISPOSAL:

Retained indefinitely for possible future use.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration,
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
P.O. Box 520
Massena, NY 13662.

NOTIFICATION PROCEDURE:

The individual may inquire, in writing, to the above System Manager to inquire whether this system of records applies to him.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by written request to:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P.O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contest of these records will be directed to the System Manager and if not resolved at that level, may be appealed in writing to the:
Secretary of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator, SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Injured employee, witnesses, supervisors, hospitals, physicians.

DOT/SLS 155.

SYSTEM NAME:

Emergency Operating Records (Vital Records). DOT/SLS.

SYSTEM LOCATION:

Department of Transportation (DOT),
Saint Lawrence Seaway Development Corporation (SLSDC),
Eisenhower Lock (Emergency Relocation Site),
Massena, NY 13662.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Retirement records, payroll distribution records, leave records, employee roster and next of kin records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To insure continuity of operations during and after a national defense emergency.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

Indexed by name and social security number.

SAFEGUARDS:

Locked metal file container.

RETENTION AND DISPOSAL:

Retained until updated annually; then old records destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration (Emergency Coordinator),
Department of Transportaion,
Saint Lawrence Seaway Development Corporation,
P. O. Box 520,
Massena, NY 13662.

NOTIFICATION PROCEDURE:

Individuals may inquire in writing to the System Manager to inquire whether this system of records applies to him.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by written request to the:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Director of Administration,
P. O. Box 520,
Massena, NY 13662.

CONTESTING RECORD PROCEDURES:

Contest of these records will be directed to the Director of Administration and if not resolved at that level, may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Saint Lawrence Seaway Development Corporation,
Administrator SLSDC,
P.O. Box 520,
Massena, NY 13662.

RECORD SOURCE CATEGORIES:

Personnel records, time cards, and related supporting documents.

DOT/TSC 700.

SYSTEM NAME:

Automated Management Information System. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Computer Center, DTS-43,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains job related information associated with the following applications: ADP services, property management, procurement requests, contract information, travel information, program and related job plans, patent data, space utilization, park control and other pertinent management information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general pruposes of this system are intended for internal management and control, including:
Computer facility planning.
ADP cost distribution.
Budget and planning analysis.
Procurement tracking.
Procurement statistics and analysis.
Information of travel incurred.
Contract administration.
Control of property.
Control of building space.
Control of parking facilities.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Access to the systems and their associated data banks is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.

Access to reports is controlled by the Reports Distribution function of the

Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation.

Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

The systems are permanent unless replaced.

The data banks, for the most part, are related to fiscal year activity.

Subsequent to the fiscal year, the data banks become either part of the history file of the system or are maintained by themselves for historical reasons.

Data records are deleted from the data banks on an as-required basis, and subsequently are eliminated from associated reports.

Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end and fiscal-year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, DTS-80,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Director of Administration from the
Department of Transportation,
Transportation Systems Center,
Chief, Computer Center, DTS-43,
Kendall Square,
Cambridge, MA 02142.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

An individual may gain access to his data by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Administrative functional areas and technical directorates utilizing standard forms and special TSC forms such as the ADP Job Order form, the Procurement Request form,, the TSC Contract, the Property Control form the Project Program Agreement (PPA form, and the Work Plan Budget (WP) form.

DOT/TSC 701.

SYSTEM NAME:

Employee Travel Records. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Management and Budget Division,
Accounting Branch, DTS-823,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC employees and other Government employees and private persons issued invitational travel orders to confer on Government problems.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel records pertaining to reimbursements to individuals, consisting of:

Copies of travel orders.
Per diem vouchers.
Transportation requests.
Hotel reservations and all supporting papers relating to official travel of TSC employees or others authorized to travel by law.
Travel logs.
Travel reservation record card.
ADP travel reports.
Teletype ticket listing.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are intended for internal management and control, and also to authorize travel and reimbursement of expenses incurred.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Travel forms, logs, card files, basic documents and other paper records, including ADP printouts.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Records are maintained in locked file cabinets. Logs are generally maintained in locked desk drawer.

RETENTION AND DISPOSAL:

Travel administration unit copies are maintained two (2) years then forwarded to the Federal Records Center where they are disposed of after one (1) additional year.

Obligation copies are disposed of when funds are obligated, generally by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Budget Division, DTS-82,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager. An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Individual's request for travel and reimbursement with all supporting papers relating to official travel.

DOT/TSC 702.

SYSTEM NAME:

Legal Counsel Information Files. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of Legal Counsel, Code 14,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC employees involved with legal matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Counseling records, conflict of interest and Source Evaluation Board (SEB), and individual claims and personnel actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are intended for internal management and control, including administrative reference and advising and counseling in legal matters.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record folders.

RETRIEVABILITY:

Indexed by employee's name and subject matter.

SAFEGUARDS:

Records are maintained in locked desk drawers and safe.

RETENTION AND DISPOSAL:

One (1) year after final action.

SYSTEM MANAGER(S) AND ADDRESS:

Legal Counsel,
Department of Transportation,
Transportation Systems Center,
Office of Legal Counsel,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee, Supervisor, Legal Office, Personnel Office.

DOT/TSC 703.

SYSTEM NAME:

Occupational Safety & Health Reporting System, DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Deputy Director of Administration,
DTS-81,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC employees, in-house contractor personnel and visitors who have occupational illnesses, injuries or are involved in Government property accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Federal Occupational Injuries & Illnesses Survey form. DOT Accident/Injury Reports, DOT forms 3902.1 through 8.

Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are intended for internal management and control, and also for accident prevention.

The routine uses of the Department of Labor forms are for (1) submission to doctors and medical institutions rendering services to individuals and (2) to the Office of Employees Compensation, Department of Labor, for payment of medical bills and workmen's compensation, as applicable.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms and other paper records.

RETRIEVABILITY:

Indexed by individual's name.

SAFEGUARDS:

Records are maintained in locked file cabinets and folders are stamped 'For Official Accident Prevention Use Only.'

RETENTION AND DISPOSAL:

Records are retained for five years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Director of Administration,
DTS-81,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Tranportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Documents provided by the individual concerned and immediate supervisor.

DOT/TSC 704.

SYSTEM NAME:

Stand-By Personnel Information, DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Management and Budget Division,
Budget Branch, DTS-821,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC technical directorate personnel currently not fully assigned to authorized projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee work project status and request for approval for stand-by time.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these files are intended for internal management and control, including administrative reference and scheduling of work projects, budgeting and overhead classification.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Indexed by employee's name and subject classification 'Stand-By Time.'

SAFEGUARDS:

Records are maintained in secured desk drawers and cabinets.

RETENTION AND DISPOSAL:

Records are maintained for one (1) additional year following completion of current fiscal year. Records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Budget Division, DTS-82,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

An individual may gain access to his records by written request.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation
Office of the Secretary
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Supervisor.

DOT/TSC 706.

SYSTEM NAME:

Automated Planning System. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of Plans and Programs, DTS-15,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC technical personnel, i.e., those personnel working on direct projects.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on all current and anticipated programs/projects and respective limits of man-years and dollars (total) budgeted.

Personnel information on all technical personnel.

Information on each technical person, based upon the planning/assignment of an individual to a program/project.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purpose of this system is to aid in the planning for an analysis of the loading (assignment) of manpower to the numerous programs/projects undertaken by the TSC.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Access to the system and its associated data banks is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.

Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation.

Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on safeguards and controls.

RETENTION AND DISPOSAL:

The system is permanent unless replaced. The data banks, for the most part, are related to fiscal year activity. Subsequent to the fiscal year, the data banks become either part of the history file of the system or are maintained separately for historical reasons.

Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end and fiscal-year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

Director, DTS-1,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Director of Administration from the Associate Director, Plans and Programs, DTS-15:

Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request. Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Program/Project files.
Personnel files.
Assignment forms.

DOT/TSC 707.

SYSTEM NAME:

Automated Manpower Distribution System. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Management and Budget Division, DTS-82,
Accounting Branch, DTS-823,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information delineating the time and charges, including fringe and overhead, that TSC employees worked. The main association of the time and

charges is with employee job assignment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of this system are intended for internal management and control, including:

Administrative reference.

Cost management.

Labor assignments and expenditures as they relate to both the job and the employee.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Indexed by employee's number and job number.

SAFEGUARDS:

Access to the system and its associated data bank is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.

Access to reports is controlled by the Reports Distribution function of the Administration Directorate on a need-to-know basis. For normal working requirements the reports are distributed to the functional area responsible for the data generation.

Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

The system is permanent unless replaced.

The data bank is related to fiscal year activity. Subsequent to the fiscal year, the data bank becomes part of the system's history file.

Data records are deleted from the data bank on an as required basis, and subsequently are eliminated from associated reports.

Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded.

Official record copy reports are subject to retirement in accordance with General Records Schedules (GRS).

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, DTS-80,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Director of Administration from the Chief, Accounting Branch, DTS-823 at the address under 'System Location'.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretray of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Transportation Systems Center,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

TSC form entitled 'Manpower Distribution'.

DOT/TSC 708.

SYSTEM NAME:

Combined Federal Campaign Information, DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of the Director, DTS-1,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

A record of how much, if anything, each employee has contributed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purpose of this system is to gather and disseminate statistics and information on the donations to the Combined Federal Campaign.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Form filled out by keyman.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Records are maintained in locked file cabinet.

RETENTION AND DISPOSAL:

Records are maintained for five years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director,
Department of Transportation,
Transportation Systems Center,
Director, DTS-1,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his records by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Combined Federal Campaign forms filled out by employees.

DOT/TSC 709.

SYSTEM NAME:

Minority Information Files, DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Civil Rights Officer, DTS-12,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC minority employees.

Potential minority hires in New England.

CATEGORIES OF RECORDS IN THE SYSTEM:

Counselor records, Potential employee applications, minority skills bank, ADP reports - minority evaluation, personnel changes, minority reports, skills bank -

resume card file, minority training records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purpose of these files is for: Use by the Civil Rights Office in DOT, administrative reference, and statistical reporting.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files, paper records, ADP reports.

RETRIEVABILITY:

Indexed by name, skills, standard personnel subject classification.

SAFEGUARDS:

Records are maintained in locked file cabinet.

RETENTION AND DISPOSAL:

Records are maintained for 2 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Civil Rights Officer, DTS-12,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his records by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Equal Opportunity Officer.
Equal Opportunity Counselors.
Personnel Office.
Individual potential federal employees.

DOT/TSC 711.

SYSTEM NAME:

Blood Donor Information File, DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Facilities and Logistics Division, DTS-83,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees and on-site contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood Donors Phone Book (name, organization and telephone number of donor).

Blood Donors Schedule.

Requests for Blood Form (from hospital for employee or dependent).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records is for the donation of blood by TSC employees and on-site contractor personnel to ensure coverage for themselves, spouses, dependent children, parents and grandparents of both employee and spouse, and all other people living in the employee's household for whom the member has responsibility.

The routine use of this system of records is to respond to requests for blood from employees and their dependents by furnishing information to the Red Cross to ensure the availability of blood.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper record.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Records maintained in locked file cabinet.

RETENTION AND DISPOSAL:

Blood Donors Phone Book and Blood Donors Schedule maintained for one year and then destroyed. Request for Blood Form maintained until individual terminates employment with TSC, records are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Facilities and Logistics Division, DTS-83,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed with the Secretary of Tranportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office ot the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Blood Donors Phone Book and Blood Donors Schedule are filled out by solicitors.

Request for Blood Form completed by employee or dependent requesting blood.

DOT/TSC 712.

SYSTEM NAME:

Automated Personnel/Communications/Security System, DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Computer Center, DTS-43,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees and tenants from other government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the pertinent information for activities involved with Personnel, Communications, and Security.

Contains information about an individual relating to:

Social security number.
Salary,
Birthdate.
Veteran preference.
Tenure.

Handicap.
Grade.
Marital status.
Service computation date.
Home address and telephone number.
TSC location including building and telephone number.
Security clearance level and date granted.
CSC title and classification code.
Competitive level.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of this system are intended for internal management and control, including:
Administrative reference.
Source for management information for producing summary statistics and registers in support of the Personnel, Communications and Security functions.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Punched cards, magnetic tape and disk.

RETRIEVABILITY:

Indexed by employee's number.

SAFEGUARDS:

Access to the systems and their associated data banks is available through the utilization of the unique project and programmer numbers, and the passwords known only by the authorized custodians.
Access to reports is controlled by the Reports Distribution function of the Administrative Directorate on a need-to-know basis. For normal working requirements, the reports are distributed to the functional areas responsible for the data generation.
Access to the computer room and its associated areas where data and reports are stored is delineated in the TSC ADP Facility Document on Safeguards and Controls.

RETENTION AND DISPOSAL:

The systems are permanent unless replaced.
The data banks are related to both fiscal year and calendar year activity. Subsequent to the appropriate period, the data banks become either part of the history file of the system or are maintained by themselves for historical reasons.
Data records are deleted from the data banks on an as-required basis, and subsequently are eliminated from associated reports.
Reports used as daily working papers are retained only until updated reports are produced and then the old reports are discarded. Official closing reports corresponding to month-end, fiscal-year-end and calendar year-end periods are retained for longer periods and are not subject to any rigid disposal procedure.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, DTS-80,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Director of Administration from the:
Department of Transportation,
Transportation Systems Center,
Chief, Computer Center, DTS-43,
Kendall Square,
Cambridge, MA 02142.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.
Contest of this data will be made to the System Manager.
If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:
Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee, Personnel Office, Communications Office, Security Office.

DOT/TSC 713.

SYSTEM NAME:

Employee - Manpower Distribution System, DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Administrative Services Division,
Accounting Branch, DTS-823,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll and pay administration records pertatining to TSC employees for personal services, consisting of manpower distribution cards, retirement records, time and attendance reports, withholding tax and savings bank records, ADP reports, etc.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are intended for internal management and control; to charge labor to the appropriate direct or overhead job orders.
The routine uses of these records are as follows:
Transfer of information to the Department of Labor.
Transfer of payroll history 7/1/70 to 10/4/80.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Payroll and Manpower Distribution forms, cards, registers, basic documents and other paper records, including ADP printouts.

RETRIEVABILITY:

Indexed by employee's name and number.

SAFEGUARDS:

Employee's payroll folders are maintained in a locked file cabinet.
Payroll office is locked during other than normal working hours.
Manpower Distribution records are maintained in a locked file cabinet.
Access to and use of all these records are limited to individual employee and those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Payroll System Records common to all federal agencies are retained and disposed of in accordance with General Records Schedule (GRS) No. 2.
Manpower Distribution cards are maintained one fiscal year and then forwarded to the Federal Records Center (FRC) where they are destroyed after 2
All ADP reports are maintained one fiscal year and then additional years, destroyed except the year-end reports which are maintained three fiscal years and then forwarded to the FRC where they are destroyed in accordance with GRS No. 2.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Management and Budget Division, DTS-82,
Department of Transportation.

Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the Systems Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Basic payroll and manpower documents (standard and TSC forms); duplicate copies provided by Personnel and Training Division; individual employee on whom record is maintained.

DOT/TSC 714.

SYSTEM NAME:

Health Unit Employee Medical Records. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Human Resources Management Division, DTS-84,
Health Unit/Building 1, 9th Floor,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TSC employees and support service contractor personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Health Record Cards.

Individual Health Record Case Files.

Register of Visits.

Laser Eye Tests and Government Driver's Tests.

Pre-employment Physical Examinations, Health Justification Placement Records, Disability Retirement Examinations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purposes of these records are to maintain a medical history of any TSC employee, including contractor personnel, who receives services from the Health Unit; ensure applicants for licenses to drive Government Vechiles meet physical requirements; and lasers are not adversely affecting employee's eyes.

The routine uses of these records are to respond to requests from other Doctors, Universities and Insurance Companies, and to submit medical reports to the Department of Labor, Office of Employees Compensation, to meet requirements of the Occupational Safety and Health Act of 1970 and DOT/TSC Safety Program.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Cards, forms, logs and other paper records.

RETRIEVABILITY:

Indexed by employee's name.

SAFEGUARDS:

Records are maintained in locked file cabinets and room secured when no one is there.

Information from records is provided only with consent of employee.

RETENTION AND DISPOSAL:

(In accordance with GRS No. 1):

Individual Health Record Cards are maintained until 6 years after date of last entry on the card.

Individual Health Record Case Files are maintained until 6 years after date of last papers in the file.

Registers of visits maintained until 2 years after last date in log or register.

Upon termination of employment with TSC, latest Laser Eye Tests and Government Driver's Tests records are combined with Health Record Case Files and disposed of as part of these files.

Pre-employment Physical Examinations, Health Justification Placement Records, and Disability Retirement Examinations become part of the official personnel folder (OPF) upon separation, and are transferred to the NPRS, St. Louis, MO., 30 days after separation, where they are disposed of in accordance with GRS No. 1, Item 1.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Human Resources Management Division, DTS-84,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained through the Chief, Human Resources Management Division, from resident physician or nurse, TSC Health Unit.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his data by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Employee.
Health Unit Doctor/Nurse.
TSC Safety Officer.

DOT/TSC 715.

SYSTEM NAME:

Bi-Weekly Personnel Status Report. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Human Resources Management Division, DTS-84,
Kendall Square,
Cambridge, MA 02142.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All TSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, grade and title.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The general purpose of this system is to dispense personnel management information in order to control billets.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records.

RETRIEVABILITY:

Chronologically.

SAFEGUARDS:

Records are maintained in a cabinet.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Human Resources Management Division, DTS-84,
Department of Transportation,
Transportation Systems Center,
Kendall Square,
Cambridge, MA 02142.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager.

CONTESTING RECORD PROCEDURES:

An individual may gain access to his records by written request.

Contest of this data will be made to the System Manager.

If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation,
Office of the Secretary,
Office of the General Counsel,
400 7th Street, SW,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Standard Form 50's are the source of the records.

DOT/TSC 716

SYSTEM NAME:

UMTA/Technology Sharing Mailing List. DOT/TSC.

SYSTEM LOCATION:

Department of Transportation (DOT),
Transportation Systems Center (TSC),
Office of Plans and Programs
Technology Sharing Office, DTS-151
Kendall Square
Cambridge, MA 02142

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government officials and transportation professionals who have requested reports or have been selected by UMTA or TSC to receive reports and conference notifications.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain names, jobtitles, organizations, suborganizations and addresses. In addition, there are special categories which allow for entering the following information for each record in the data base: Organization Affiliation, Modal Information Need/Type of Document, and Subject Informational Need.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify target audiences who have a need for specific project results or who have expressed an interest in receiving copies of project documentation; and to disseminate programmatic results in an efficient and effective manner. Uses of special codes -- organizational affiliation, modal informational need, and subject informational need -- will allow for a more efficient selection of audiences for specific types of reports, will permit analyzses of information needs, and estimates of report quantities needed. To communicate plans for scheduled conferences to likely participants and disseminate conference proceedings if applicable. To prepare mailing labels. Records are subject to examination by federal officials concerned with the dissemination of programmatic results or conference notification, but are not disclosed to members of the public (except through publication in conference proceedings of names of individuals who actually participated in each conference).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a computerized data base. Disc and tape records, paper copies of coding forms, and listings of specific target groups identified to receive a publication are maintained at the U.S. Department of Transportation's Transportation Systems Center (TSC). Upon request, a listing of the target audience for a specific publication may be forwarded to the appropriate federal official responsible for the dissemination of the report.

RETRIEVABILITY:

By any attribute contained in the data base -- alphabetically by name, address or special attribute codes.

SAFEGUARDS:

Access is restricted to UMTA and TSC officials who are involved in the dissemination of programmatic results and/or notification of planned conferences. Terminal operators or contractors, if designated by TSC, may access the system to enter data, generate edit checks to assure data has been entered correctly, and generate paper copies of specific audiences for examination by a federal official. Access to the electronic data base is controlled by the computer telephone number, and name of individual responsible for the data base. Internally, the system is software protected so that people without these combinations of codes cannot even examine the data, let alone use it or modify it. Names are removed when the Postal Service reports an incorrect address with no forwarding address or when individuals request removal.

RETENTION AND DISPOSAL:

Records are kept on tape and disc. Deleted names and addresses are discarded completely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Technology Sharing Office, dTS-151,
Department of Transportation
Transportation Systems Center
Kendall Square
Cambridge, MA 02142

NOTIFICATION PROCEDURE:

Individuals may contact system manager to confirm whether or not their name and address is contained in the system.

RECORD ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Contest of this data will be made to the System Manager. If administrative resolvement is not satisfactory to the individual, appeals may be filed in writing with the Secretary of Transportation addressed to the General Counsel as follows:

Department of Transportation
Office of the Secretary
Office of the General Counsel
400 7th Street, SW
Washington, DC 20590

RECORD SOURCE CATEGORIES:

Names of individuals who attended conferences and individuals who have requested conference proceedings. Names of individuals who have requested copies of publications pertaining to specific projects. Various Departmental mailing lists such as: Transit Properties, Planning Agencies, Transportation and Planning Associations.

DOT/UMTA 175.

SYSTEM NAME:

Personnel Convenience Files. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT), Urban Mass Transportation Administration (UMTA).

Systems are located at:

Region I,
Regional Administrator, UMTA,
c/o Transportation Systems Center,
Technology Building
55 Broadway,
Cambridge, MA 02142.

Region II,
Regional Administrator, UMTA,
26 Federal Plaza, Suite 1811,
New York, NY 10007.

Region III,
Regional Administrator, UMTA,
434 Walnut Street, Suite 1010,
Philadelphia, PA 19106.

Region IV,
Regional Administrator, UMTA,
1720 Peachtree Road, NW, Suite 400,
Atlanta, GA 30309.

Region V,
Regional Administrator, UMTA,
300 South Wacker Drive - Suite 1740,
Chicago, IL 60606.

Region VI,
Regional Administrator, UMTA,
819 Taylor Street, Suite 9A32,
Fort Worth, TX 76102.

Region VII,
Regional Administrator, UMTA,
6301 Rock Hill Road - Suite 303,
Kansas City, MO 64131.

Region VIII,
Regional Administrator, UMTA,
Prudential Plaza - Suite 1822,
1050 17th Street,
Denver, CO 80265.

Region IX,
Regional Administrator, UMTA,
Two Embarcadero Center, Suite 620
San Francisco, CA 94111.

Region X,
Regional Administrator, UMTA,
915 Second Avenue,
Suite 3142, Federal Building,
Seattle, WA 98174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

UMTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Standard Form 171.
Resumes.
Personnel Action Forms.
Position Descriptions.
Performance evaluation forms.
Written performance standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personal Use.
Personnel Reference Manual.
Statistical Information.
Technical Information.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are originals or copies of documents.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Retained until termination of employment and then shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Appropriate Associate Administrator or Regional Office (addresses same as in 'System Location').

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager (addresses same as in 'System Location').

RECORD ACCESS PROCEDURES:

Access is permitted by written or personal request.

Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records is at the Headquarters' level, addressed as follows:

Department of Transportation,
Urban Mass Transportation Administration,
Attention: Office of Personnel, UAD-60,
400 7th Street, SW,
Washington, DC 20590. Unsatisfactory resolvement by the individual may be appealed in writing to the Secretary of Transportation addressed as follows:

Department of Transportation,
Urban Mass Transportation Administration
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Personnel Action Forms as completed by the employee or prospective employee.

DOT/UMTA 176.

SYSTEM NAME:

Blood-Donor File. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT), Urban Mass Trasnportation Administration (UMTA),
Office of Administration,
Administrative Services Division, UAD-40,
400 7th Street, SW, Room 9223,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

UMTA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of employee's donation to UMTA/Red Cross Blood Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Computing participation in Blood Program identifying donors by blood types.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained by telephone cardex.

RETRIEVABILITY:

Access by name.

SAFEGUARDS:

Maintained in locked office during non-work hours.

RETENTION AND DISPOSAL:

Only information on current employees is maintained. Card and information slips are destroyed in the year following blood quota/program year.

SYSTEM MANAGER(S) AND ADDRESS:

UMTA Blood Program Coordinator (Administrative Services Director, address as above in 'System Location').

NOTIFICATION PROCEDURE:

Verbal notification from System Manager.

RECORD ACCESS PROCEDURES:

Upon verbal request to System Manager.

CONTESTING RECORD PROCEDURES:

Record access not contested. Contact System Manager to contest content.

RECORD SOURCE CATEGORIES:

Red Cross Donor Registration Forms as completed by UMTA employee.

DOT/UMTA 177.

SYSTEM NAME:

UMTA-Sponsored Reports Author File. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Trasnsportation Administration (UMTA),
Transit Research Information Center,
Office of Transportation Management,
Information Services Division
400 7th Street, S.W.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contributing authors of UMTA sponsored reports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Author's name and address of organization at time of report submission to UMTA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For technical information dissemination.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on card file.

RETRIEVABILITY:

Access by author's name or corporate author.
Access by author's organization.
Access by NTIS number
Access by report title.
Access by project number.
Access by geographical location of research.

SAFEGUARDS:

Available for use under control of System Manager.
Card files are maintained in a locked office.

RETENTION AND DISPOSAL:

Retained as archive files of UMTA-sponsored report information.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Service Division OPM-44, Development Manager UTM-50, (address as in 'System Location' above).

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager, OPM-44, (address as in 'System Location ' above).

RECORD ACCESS PROCEDURES:

Access is permitted by written or personal request. Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records is at the Headquarter's level, (i.e., to the System Manager).

Unsatisfactory resolvement by the individual may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Urban Mass Transportation Administration,
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Authors of UMTA-sponsored reports.

DOT/UMTA 178.

SYSTEM NAME:

Minority Recruitment File. DOT/UMTA. 4
Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA).
Office of Civil Rights,
2100 2nd Street, SW, Room 6204,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Minority applicants interested in UMTA employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes and Personal Qualifications Statements (S.F. 171).

Card file summarizing general information on each applicant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referrals for UMTA position vacancies.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in original and photocopied form.

RETRIEVABILITY:

Retrieved by name or position classification.

SAFEGUARDS:

Source documents are maintained in the Office of Civil Rights storage facilities.

Only persons authorized by the Director of Civil Rights or the Chief, Division of Internal Programs, are permitted access to these files.

RETENTION AND DISPOSAL:

Records held for a year's period at which time applicants are requested to update their forms; those forms updated are retained and the forms of those non-responding destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Internal Programs, UCR-20,
Department of Transportation,
Urban Mass Transportation Administration,
Office of Civil Rights,
2100 2nd Street, SW, Room 6204,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Access is permitted by written or personal request. Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records is at Headquarter's level (i.e., to the System Manager at the address shown in 'System Manager' above).

Unsatisfactory resolvement by the individual may be appealed in writing to the Secretary of Transportation addressed as follows:
Department of Transportation,
Urban Mass Transportation Administration,
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Resumes and Personal Qualifications Statements (S.F. 171) submitted by applicants.

Resumes and Personal Qualifications Statements (S.F. 171) submitted by the DOT Office of Civil Rights, DOT modal administrations, and other Federal agencies.

Established recruitment sources, e.g., community organizations, national civil rights groups, professional societies, colleges and universities, etc.

DOT/UMTA 180.

SYSTEM NAME:

Occupational Safety and Health Accident Reporting System. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Personnel Office, UAD-60,
400 7th Street, SW, Room 4116,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any UMTA employee involved in an accident while on duty status which results in injury to an individual or property damage.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains documents pertaining to occupational accidents involving injury to employees and/or non-employees. It will also contain documents pertaining to accidents involving employees of UMTA when no injury is involved but property damage has occurred.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Accumulate accident information and statistics per DOT Order.

Develop accident cause trends.

For accident reports.

For accident prevention program.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a metal file cabinet.

RETRIEVABILITY:

Folders are in alphabetic order by name.

SAFEGUARDS:

File cabinets are located in records room which has a security approved lock on door.

RETENTION AND DISPOSAL:

Records are maintained for five years and then destroyed by tearing or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Division, UAD-60.
Department of Transportation.
Urban Mass Transportation Administration,
400 7th Street, SW, Room 4116.
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager at the address above.

If in person, proper identification will be required.

If written, notrarized signature and social security number of the individual involved in the accident must be presented.

RECORD ACCESS PROCEDURES:

Same as 'Notification Procedure.'

CONTESTING RECORD PROCEDURES:

Same as 'Notification Procedure.'

RECORD SOURCE CATEGORIES:

Individuals involved in accidents.

Witnesses to accidents.

Supervisor of the UMTA employee involved in an accident.

Doctors of medical facility where treated.

DOT/UMTA 181.

SYSTEM NAME:

Attendees Names and Addressees for R&D Priorities Conference. DOT/UMTA.

SYSTEM LOCATION:

UMTA Office of Research and Development and American Public Transit Association (acting as contractor to UMTA).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons attending first R&D Priorities Conference in February 1976; those to be invited to the second and subsequent annual conferences, and those to whom copies of the proceedings of each conference are to be sent.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain names, organizational affiliation and addresses only.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Including categories of users and the purposes of such uses:

To communicate plans for planned conferences to likely participants.

To distribute to participants and those who have requested, or are likely to benefit from, informational materials, proceedings, and other documents related to UMTA's research, development and demonstration activity.

Records are subject to examination by federal officials concerned with the dissemination of research and development information, but are not disclosed to members of the public (except through publication in the proceedings of names of individuals who actually participate in each conference).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents in file system.

RETRIEVABILITY:

Alphabetically by name.

SAFEGUARDS:

Access is restricted to officials of UMTA and APTA involved in planning and disseminating information about conferences.

RETENTION AND DISPOSAL:

Records are maintained in current status. Deleted names and addresses are discarded completely. The system itself will be discarded within two years after the last R&D priorities conference of the current series has been concluded.

SYSTEM MANAGER(S) AND ADDRESS:

Official responsible is Executive Assistant to Associate Administrator for Research and Development,
URD-3,
UMTA,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individual may contact the systems manager to confirm whether or not the system contains a record on them.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Content of these records may be settled with the system manager. If this is unsatisfactory to the individual, the person may appeal in writing to:

Privacy Act Officer, UAD-60
Urban Mass Transportation Administration
Room 4116, Nassif Building
400 7th Street, S. W.
Washington, D. C. 20690

RECORD SOURCE CATEGORIES:

Names of individuals who have attended past R & D Priorities Conferences and individuals who have requested copies of the proceedings.

DOT/UMTA 182

SYSTEM NAME:

New Systems Survey Response Forms.

SYSTEM LOCATION:

U.S. Department of Transportation
Urban Mass Transportation
Office of Socio-Economic and Special Projects, UTD-10
2100 2nd Street, S.W.
Washington, D.C. 20590

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Respondents to surveys.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed survey response forms.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Statistical purposes only. (See also Prefatory Statement of General Routine Uses).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are original completed Response Forms, or copies of completed Response Forms.

RETRIEVABILITY:

Retrieved by name or by selected attributes.

SAFEGUARDS:

Maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Retained until statistical abstracting is completed, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Socio-Economic and Special Projects, UTD-10
Office of Technology Development and Deployment
Urban Mass Transportation Administration
2100 2nd Street, S.W.
Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Access is permitted by written or personal request.

CONTESTING RECORD PROCEDURES:

Contest of these records is to the System Manager. Unsatisfactory resolution by the individual may be appealed in writing to the UMTA Privacy Act Coordinator, addressed as follows:
UMTA Privacy Act Coordinator
Urban Mass Transportation Administration
400 7th Street, S.W.
Washington, D.C. 20590.

RECORD SOURCE CATEGORIES:

Response Forms completed by survey respondents.

DOT/UMTA 190.

SYSTEM NAME:

Employee Travel Records. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Financial Management,
Accounting Division,
2100 2nd Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All UMTA employees.
Private persons, congressional committee members or other persons issued invitational travel orders to confer on government matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual travel folders.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain accounting records.
Analysis of travel trends.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a file cabinet secured with lock and key.

RETRIEVABILITY:

System is indexed by name.

SAFEGUARDS:

Individuals requesting individual travel folders are screened by Accounting Branch personnel.
Records are maintained by Accounting Branch personnel in secured file.

RETENTION AND DISPOSAL:

Retained three years, then forwarded to Federal Records Center with other accounting records.

SYSTEM MANAGER(S) AND ADDRESS:

Fiscal Officer, Accounting Branch,
Department of Transportation,
Urban Mass Transportation Administration,
2100 2nd Street, SW, Room 6613,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals may contact the System Manager to confirm whether or not the system contains a record on them.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation addressed to the following:
Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Travel orders, individual travel vouchers.

DOT/UMTA 191.

SYSTEM NAME:

Travel Advance File. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Financial Management,
Accounting Division,
2100 2nd Street, SW,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of travel advances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of travel advances and liquidation and repayment thereof.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Maintain accounting records.
Ensure collection of amounts due the United States.
See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on 5 x 8 card form.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained by Accounting Branch personnel in locked file.

RETENTION AND DISPOSAL:

Retained three years then forwarded to Federal Records Center with other accounting records.

SYSTEM MANAGER(S) AND ADDRESS:

Fiscal Officer, Accounting Branch,
Department of Transportation,
Urban Mass Transportation Administration,
2100 2nd Street, SW, Room 6613,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals may contact the System Manager to confirm whether or not the system contains records on them.

RECORD ACCESS PROCEDURES:

An individual may gain access to his records by request to the System Manager.

CONTESTING RECORD PROCEDURES:

Content of these records may be settled with the System Manager. If this is unsatisfactory to the individual, the person may appeal in writing to the Secretary of Transportation, addressed to the following:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

Travel advance card signed by individual.

DOT/UMTA 192.

SYSTEM NAME:

Urban Transportation Planning System (UTPS) Address File, DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of Transit Planning,
Planning Methodology and Technical Support Division, UTP-40,
400 7th Street, SW, Room 9311,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

UTPS users.

Persons indicating continuing interest in UTPS developments.

Federal Highway Administration (FHWA) Planning Package users.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, business address, telephone number, UTPS or FHWA Planning Package version date, UTPS course/symposium/conference attendance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For technical information dissemination.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in a computer file.

RETRIEVABILITY:

Access by computer terminal by any item.

SAFEGUARDS:

Available for use under the control of the System Manager.

Computer file is protected by account number and code words.

RETENTION AND DISPOSAL:

Records are retained until notified that individual no longer desires information and then record is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Planning Methodology and Technical Support Division, UTP-40,
Department of Transportation,
Urban Mass Transportation Administration,
Office of Transit Planning,
400 7th Street, SW, Room 9311,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Inquiries are addressed to the System Manager, UTP-40 (address same as above).

RECORD ACCESS PROCEDURES:

Direct control is maintained by the System Manager.

CONTESTING RECORD PROCEDURES:

Contest of these records is at Headquarter's level (i.e. the System Manager). Individual may appeal adverse decision to the Secretary of Transportation, addressed as follows:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Administrator,
400 7th Street, SW, Room 9324,
Washington, DC 20590.

RECORD SOURCE CATEGORIES:

UTPS order forms, UTPS course registration forms, letter and/or verbal request to be place on mailing list.

DOT/UMTA 193.

SYSTEM NAME:

Docket, DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT),
Urban Mass Transportation Administration (UMTA),
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have commented on notices of UMTA appearing in the Federal Register; authors of reports which are added to the Docket as background information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of the nature of the comment or the report, date written and filed, author affiliation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To gather information in response to rules promulgated by UMTA. Users are both UMTA staff members and the public.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal-size file folders stored in file cabinets.

RETRIEVABILITY:

By name and Docket number assigned at the time of receipt.

SAFEGUARDS:

None required. Publically available file.

RETENTION AND DISPOSAL:

Indefinite.

SYSTEM MANAGER(S) AND ADDRESS:

Docket Clerk, Office of the Chief Counsel,
Department of Transportation,
Urban Mass Transportation Administration,
400 7th Street, SW, Room 9300,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Same as 'System Manager.'

RECORD ACCESS PROCEDURES:

Same as 'System Manager.'

CONTESTING RECORD PROCEDURES:

Same as 'System Manager.'

RECORD SOURCE CATEGORIES:

Correspondence freely sent by the public to UMTA.

DOT/UMTA 194.

SYSTEM NAME:

Litigation and Claims Files, DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation (DOT).
Urban Mass Transportation Administration (UMTA).
Office of the Chief Counsel,
400 7th Street, SW, Room, 9320.
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are involved in litigation or claims actions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Litigation and claim pleadings, discovery material, related documents (including background data on individuals involved), memoranda, correspondence, and other material necessary to respond to claims or prepare for litigation or hearings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The documents are produced or used in and for litigation and claims.

These documents are disclosed to the Department of Justice.

See Prefatory Statement for Genaral Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal-size file folders stored in lockable and unlockable file cabinets and individual attorney's offices.

RETRIEVABILITY:

Retrieved by caption of the particular litigation.

SAFEGUARDS:

Data from these files are retrievable only by persons within the Office of the Chief Counsel.

RETENTION AND DISPOSAL:

Litigation files are kept for two years after case is closed, then sent to Federal Records Center. All other records in the system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
Urban Mass Transportation Administration,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the System Manager.

RECORD SOURCE CATEGORIES:

Federal courts, individuals and their attorneys, UMTA records, litigation files, etc.

DOT/UMTA 195.

SYSTEM NAME:

Confidential Statement of Employment and Financial Interests. DOT/UMTA.

SYSTEM LOCATION:

Department of Transportation, (DOT).
Urban Mass Transportation Administration, (UMTA),
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Urban Mass Transportation Administration in supervisory positions where a conflict of interest or the appearance of a conflict of interest might occur. Also included in this category are consultants and experts of the Urban Mass Transportation Administration.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on employment and financial interests and debts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information to be furnished is required by Executive Order 11222 and the requlations of the Civil Service Commission issued thereunder and may not be disclosed except as the Commission or the agency head may determine.

The purpose of the use of this information is to avoid a conflict of interest or the appearance of a conflict of interest in UMTA employees.

See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal size folders.

RETRIEVABILITY:

Indexed by name in alphabetical sequence.

SAFEGUARDS:

Records are stored in locked file cabinet.

RETENTION AND DISPOSAL:

Records are kept 3 years and then transferred to Federal Records Center for 6 years.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel,
Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

NOTIFICATION PROCEDURE:

Department of Transportation,
Urban Mass Transportation Administration,
Office of the Chief Counsel,
400 7th Street, SW, Room 9320,
Washington, DC 20590.

Inquiries may be addressed to the Chief Counsel either in person or in writing. If written the individual must provide a notarized signature.

RECORD ACCESS PROCEDURES:

Access to records requires the individual to contact in person or write the Chief Counsel at the address in 'Notification Procedure.'

CONTESTING RECORD PROCEDURES:

Contest of a record is also through the Chief Counsel.

RECORD SOURCE CATEGORIES:

Statements of employment and financial interests, creditors, interests in real property are submitted by employees and consultants of the Urban Mass Transpor- tation Administration.

Initial requests for submission of statements are through the Personnel Division, Office of Administration, Urban Mass Transportation Administration.

[FR Doc. 81-34644 Filed 12-04-81; 8:45 am]
BILLING CODE 4910-62-M

federal register

Monday
December 7, 1981

Part IV

Department of Energy

Powerplant and Industrial Fuel Use Act of 1978; Final Rule and Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Parts 500, 501, 503, 504, and 505

[Docket No. ERA-R-81-06]

Powerplant and Industrial Fuel Use Act of 1978; Final Rules

AGENCY: Department of Energy.

ACTION: Final rules.

SUMMARY: The Department of Energy (DOE) is revising its final rules implementing the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") to simplify the administrative procedures and exemption criteria applicable to owners or operators of new and existing electric powerplants and major fuel burning installations (MFBI's) which are subject to the prohibitions of the Act. These revisions would eliminate many of the regulatory burdens imposed by the prior regulations for petitioners requesting exemptions under the Act. For most exemptions, these rules establish a simple certification procedure for obtaining temporary and permanent exemptions.

EFFECTIVE DATE: These rules shall become effective on January 6, 1982.

FOR FURTHER INFORMATION CONTACT:
Constance L. Buckley (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3313.
Henry K. Garson (Office of the General Counsel), Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967.
Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room 7120, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-8108.

SUPPLEMENTARY INFORMATION:

I. Background

II. Comments

A. Definitions (Part 500)

1. Alternate fuel.
2. Applicable environmental requirements.
3. Boiler.
4. Capability to use alternate fuel.
5. Combined cycle unit.
6. Construction/reconstruction.
7. Cost of petroleum or natural gas.
8. Design capability.
9. Major fuel burning installation; electric powerplant.
10. Natural gas.
11. Person.
12. Petroleum.
13. Primary energy source.
14. Rated capacity.

B. Administrative Procedures and Sanctions (Part 501)

1. General Provisions.
2. Written Comments, Public Hearings and Conferences During Administrative Proceedings.
3. Exemptions.
4. Requests for Modification or Rescission of a Rule or Order.
5. Requests for Stay or Interpretation.
6. Rulings.
7. Enforcement.
8. Use of Natural Gas or Petroleum for Emergency and Unanticipated Equipment Outage Purposes.

C. General Exemption Requirements (Parts 503-504)

1. Cost calculation and fuel price computations:
   (a) Guideline approach.
   (b) Discount rate.
   (c) Useful life.
   (d) Future fuel prices.
   (e) Summary of evidence.
2. No alternate power supply.
3. Use of mixtures.
4. Alternative site.
5. Terms and conditions.
6. Conservation measures.
7. Petroleum and natural gas consumption.
8. Environmental impact analysis.
9. Fuels search.
10. Technical change.

D. Exemptions (Part 503)

1. Temporary synthetic fuels exemption.
2. Temporary public interest exemption.
3. Temporary/permanent lack of alternate fuel supply exemptions.
4. Temporary/permanent site limitations exemptions.
5. Temporary/permanent environmental exemptions.
6. Permanent inadequate capital exemption.
7. Permanent state or local requirements exemption.
8. Permanent cogeneration exemption.
9. Permanent fuel mixtures exemption.
10. Permanent emergency exemption.
11. Permanent reliability exemption.
12. Permanent peakload exemption.
13. Permanent scheduled equipment outages exemption.

E. Existing Facilities—Title III of FUA

F. Other Matters

1. Nonboiler MFBI's.
2. Retroactivity.

III. Procedural Matters

A. Additional Comments

B. Section 102 of the National Environmental Policy Act (NEPA)

C. Regulatory Flexibility Act

D. Executive Order No. 12291

E. Paperwork Reduction Act

I. Background

On June 9, 1981, DOE proposed to revise the rules implementing portions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") so as to simplify administrative procedures and exemption criteria applicable to new and existing major fuel burning installations (MFBI's) and electric powerplants (46 FR 31216, June 12, 1981 ("NOPR"). Previously, the Economic Regulatory Administration (ERA) of DOE had issued final rules governing the following areas under the Act:

(1) Definitions and administrative procedures (45 FR 38276 (June 6, 1980));

(2) New facility exemptions (45 FR 38302 (June 6, 1980));

(3) Existing facility exemptions (45 FR 53682 (August 12, 1980));

(4) Cost calculation methodologies (45 FR 84967 (December 24, 1980)).

In addition, rules relating to exemptions for new and existing cogeneration facilities were issued in interim form on May 17, 1979 (44 FR 28950, 28994, 29014), and on July 23, 1979 (44 FR 43176, 43204, 43219) respectively, and then proposed to be revised on August 11, 1980 (45 FR 53368).

As noted in the June 9, 1981 NOPR, on January 29, 1981 the President's Task Force on Regulatory Relief was established to "[R]educe the burdens of existing and future regulations * * * and insure well reasoned regulations * * *" (Executive Order 12291). Under previous rules, obtaining an exemption under the Act could be an unnecessarily costly and time-consuming effort, often constraining the ability of industry and utility management to make critical fuel use decisions in an efficient and reasoned manner. In response to these problems, and consistent with the foregoing directive, DOE proposed the following principal revisions to its regulatory program under the Act:

(1) Reduction of eligibility criteria for temporary and permanent exemptions under Title II of the Act, to the minimum statutory requirements;

(2) Reduction of evidentiary requirements for most temporary and permanent exemptions under Title II of the Act to a self-certification procedure and, in recognition of the public

comment and review provisions of FUA, exhibits containing the basis for the certification;

(3) Simplifying and updating the cost calculation methodologies for new and existing facilities;

(4) Expedited procedures for fuel classifications involving determinations of commercial marketability;

(5) Limitation of fuel search requirements;

(6) Expansion of fuel use authorized under the definition of "primary energy source;" and

(7) Consolidation of interim rules governing the cogeneration exemption for powerplants and MFBI's.

Public comments received by DOE reflected an overwhelming endorsement of the foregoing proposals. Most commenters felt that the changes proposed would be more consistent not only with the needs of affected energy users, but also with the purposes of the Act.

After considering the comments received, DOE has decided to adopt the foregoing proposals. DOE's NOPR also generally solicited comment on other aspects of the FUA regulatory program. In response to comments received on matters which were not explicitly proposed on June 9, 1981, DOE is issuing at this time a notice of proposed rulemaking, proposing additional revisions to the final rule as follows:

(A) Part 500—Definitions

1. "Alternate fuel"—Addition of tar sands and oil-impregnated diatomaceous earth, and deletion of the requirement that a fuel be burned by its producer to be classified as commercially unmarketable;

2. "Reconstruction"—Substitution, in certain specified instances, of an 80 percent test for the 50 percent test currently provided;

3. "Natural gas"—Definition of "maximum efficient production rate" of a well in terms of gas and gas liquids production rather than total hydrocarbon production.

(B) Part 501—Administrative Procedures

Classification of fuel as commercially unmarketable—Addition of self-executing certification procedure, and the imposition of an administrative action deadline tied to automatic classification.

(C) Part 503—Exemptions

1. Revision of the 600 hour lack of alternate fuel supply exemption;

2. Revision of requirement to demonstrate specific debt-constraining restrictions for inadequate capital exemptions.

DOE is issuing these revisions in proposed form in order to assure a fair opportunity for public comment. Accordingly, a public comment period of thirty (30) days from publication of the new proposals will be provided.

In addition, while DOE believes that these final rules are fully responsive to the public comments received, DOE invites further public comment on any portion of the rules adopted herein with respect to which commenters feel that further reduction of regulatory burdens under FUA is feasible.

For those portions of the FUA rules finalized herein, DOE has decided to reprint the entire rule, reflecting the revisions adopted. While increasing the number of pages of this notice, DOE believes that important benefits of immediate clarity and ease of use will be obtained by this organizational approach.

II. Comments

A. Definitions—§ 500.2

For purposes of clarity, DOE has deleted the definitions of "general use," "limited use," and "specified use" exemptions. Instead, where a requirement in the rules pertains only to certain exemptions, those exemptions are described in the pertinent portion of the rules.

1. *Alternate fuel.* DOE's proposal specifically solicited comment on the possible addition of fuels to the current regulatory definition of "alternate fuel." Comments were received recommending the inclusion as alternate fuels of tar sands, oil-impregnated diatomaceous earth, heavy crude oil (including residuum), coal/oil mixtures, liquefied natural gas, synthetic gas derived from natural gas liquids, refinery waste gas, synthetic oil or gas derived from coal or peat, and hydrogen used in a fuel cell.

DOE notes that several of these fuels—synthetic oil or gas derived from coal or peat (when not mixed with natural gas), and hydrogen—are not defined as "petroleum" or "natural gas," and hence, are already classified as alternate fuels. Refinery wastes may also be alternate fuels where the statutory commercial unmarketability standards can be demonstrated.

Two of the fuels identified—liquefied natural gas and synthetic gas from natural gas liquids—are clearly identified as "natural gas" under the Act. Since no fuel classified as "natural gas" can be an "alternate fuel," DOE has no authority to implement these suggestions.

The issues of including coal-oil mixtures (or slurries), and heavy crude oil as alternate fuels have been addressed by DOE in earlier rulemakings under the Act (44 FR 28533–28534 (May 15, 1979)). For the reasons therein indicated, we decline to reclassify such fuels as alternate fuels at this time.

Because DOE has not previously specifically proposed the addition of tar sands and oil-impregnated diatomaceous earth to this definition, such additions are being proposed in the separate notice described *supra.*

A number of commenters suggested that the definition of alternate fuels be amended to incorporate the commercial unmarketability standards set forth in DOE Ruling 1981–2. DOE agrees that explicit incorporation of such standards in the body of the regulations will provide clarification, and has added to these rules a separate commercial unmarketability definition, applicable to the use of that term in the definitions of "petroleum," "natural gas," and "alternate fuels."

One commenter recommended that, in incorporating the standards in DOE Ruling 1981–2 in these rules, DOE delete the requirement contained in such Ruling that a fuel be "burned by its producer" in order to be considered commercially unmarketable. DOE is considering this recommendation under its separate proposed rulemaking, described *supra.*

One commenter recommended that a waste by-product should be classified as an alternate fuel where attempts to market all *or a portion* of it fail. DOE believes that the "quantity" standard for determinations of commercial marketability already takes this criterion into account.

2. *Applicable environmental requirements.* One commenter suggested that this term should be defined so as to include all Federal and State environmental law, including common law. While the commenter believed this was already implicit in DOE's regulatory definition, it felt that the definition was unclear. DOE has retained the current regulatory definition, which tracks the language of section 103(a)(17) of the Act. To clarify the coverage of this term under FUA and its legislative history (FUA Conference Report, p. 71), "applicable environmental requirements" include the final order of any Federal or State Court construing Federal or State environmental laws or regulations, but *exclude* any local laws or regulations.

3. *Boiler.* Several commenters suggested that the definition of "boiler"

be modified so as to clearly exclude boilers used solely in the production of oil and gas. DOE believes that its note under the definition of major fuel-burning installation, which excludes from jurisdiction under the Act any boiler, combustion turbine, combined cycle unit or internal combustion engine used to drive pumps and compressors used in the production, gathering, transmission, storage or distribution of gases or liquids, is already responsive to this comment.

4. *Capability to use alternate fuel.* One commenter recommended that this definition include a requirement that the design of a powerplant include adequate space for appropriate pollution control or fuel handling equipment for the use of alternate fuels. Thus, while adequate space would have to be provided for such equipment, it would not have to be installed to achieve compliance with the Title II construction prohibition. DOE has made this change because it will help assure, consistent with the Title II construction prohibition, that facility design will not preclude later alternate fuel-burning. The foregoing revision also addresses comments that DOE's proposal on this issue was inconsistent with section 201 of the Act, because it would permit the construction of facilities which could not operate on alternate fuels.

Other comments suggested the deletion in this definition of language requiring that alternate fuels be available. DOE believes that this language, which assures the construction of new powerplants with more than theoretical alternate fuel-burning capability, is needed to give meaning to the construction prohibition of Title II of the Act.

One commenter indicated uncertainty about the meaning of the term "operational" as used in this definition. DOE has added language clarifying that a powerplant is operational when it commences the commercial generation of power.

Finally, DOE notes that it has deleted § 503.2(b) of these rules, relating to prohibitions, in order to conform that section to the definitional revisions herein discussed.

5. *Combined cycle unit.* Several commenters expressed confusion about the proposed changes in the definition of combined cycle unit, particularly with regard to the treatment of combustion turbines used in combination with waste heat recovery boilers. Under the definition contained in the former rule, a combustion turbine/waste heat boiler system (CTB) was treated as a combined cycle unit regardless of its classification as a powerplant or an MFBI. If the CTB qualified as a new powerplant, the prohibitions of Section 201 of FUA took effect, but if it qualified as an MFBI, the entire unit was considered a nonboiler MFBI, escaping regulation under DOE rules (although authorized by Section 202(b) of FUA to adopt rules regulating nonboiler MFBI's, DOE has not done so and does not intend to do so). If a new CTB happened to qualify as a cogeneration facility which, because it sold more than 50 percent of its electrical output, was classified as a powerplant, then like any other new combined cycle powerplant under the former rule which met the jurisdictional size requirements of the Act, it also would have been subject to the Section 201 prohibitions.

In proposing to adopt separate definitions for powerplant and MFBI combined cycle units, the intent of DOE was to reduce unnecessary regulatory burdens applicable to cogeneration facilities consisting of combustion turbine/waste heat boilers systems, whether classified as powerplants or as MFBI's. In determining whether a single combined cycle unit is jurisdictional in size under DOE rules, the heat input rates of each component of the unit are aggregated to meet the jurisdiction threshold of 100 MM Btu's. Under the new definitions, a CTB cogeneration powerplant will not be treated as a combined cycle for purposes of determining jurisdictional size, but as two separate units, a combustion turbine and a boiler. The new rule continues to treat MFBI combustion turbine systems as combined cycles which, as indicated above, are not subject to regulation under DOE rules.

Two changes have been made in the proposed definitions, however, in order to eliminate the confusion expressed by the commenters. First, the MFBI combined cycle definition has been changed to provide that the addition of one or more steam turbine units will not affect the facility's status as an MFBI combined cycle unit as long as the entire facility remains classified an MFBI. Second, the last sentence of the powerplant combined cycle definition has been deleted, and a new sentence applicable to both definitions has been added. The new sentence provides that substantial amounts of supplement firing for a steam turbine or waste heat boiler to improve thermal efficiency will not affect a unit's classification as a combined cycle.

6. *Constructional/reconstruction.* Most comments on this definition addressed DOE's 50 percent test for finding reconstruction of an existing unit. For purposes of organizational clarity, this test has been moved from the sections defining "new electric powerplant" and "new major fuel-burning installation" to a separate definition of "reconstruction."

Many commenters felt that the test should permit refurbishment of units damaged in plant accidents. Other commenters felt that the test should be limited to situations either where boiler capacity was being increased, or where facility efficiency was being increased.

In response to these comments, DOE has proposed to revise its reconstruction test in the notice of proposed rulemaking, described *supra*.

DOE wishes to clarify that it will accept, for purposes of computation of the capital costs of refurbishment or modification of a unit, good-faith estimates of the reasonably anticipated capital costs associated with such refurbishment or modification, notwithstanding the fact that actual capital costs incurred eventually may exceed such estimates.

7. *Cost of petroleum or natural gas.* DOE requested comments on the appropriateness of deleting the definition of the "cost of petroleum or natural gas," requiring use of the imported petroleum cost standard only when the cost calculations are required to be used to determine eligibility for an exemption by reason of cost. The cost of the actual fuel proposed to be used in the facility would then be used in other economic calculations required under Title II of FUA and applicable regulations.

A number of commenters stated that this definition can only be appropriately applied where the imported oil standard is prescribed by the statute, (*i.e.*, Sections 211(a), 212(a), 311(a), 312(a) of the Act, and regulations set forth in §§ 503.21, 503.32, 504.31 and 504.51) and that it cannot be applied in the general requirement to show that no alternate power supply is available (§ 503.8) or that mixtures are economically infeasible (§ 503.9). The comments also indicated that the imported oil standard cannot be applied in the financial feasibility finding for prohibition orders (§ 504.6(d)), and that the appropriate cost of fuel is the actual cost of the fuels being compared.

DOE has considered these comments and will require that the imported petroleum cost standard be used in the regulations applicable to new facilities (§§ 503.21 and 503.32) only where it is specifically prescribed by statute. In those instances, Appendix II must be used to compute the price of fuel as called for in the cost calculation. In other places in such regulations where an economic showing is required, the

projected price of the actual fuels to be used must be applied. The regulations are being changed appropriately and the definition of "cost of petroleum or natural gas" is being deleted. DOE notes, however, that for reasons discussed in this Preamble under the heading "Existing Facilities—Title III of FUA," a corresponding revision of the financial feasibility finding under 10 CFR 504.6 is not being made at this time.

8. *Design capability.* DOE's proposal to use the manufacturer's continuous rating in the definition of design capability was favorably received by commenters. However, several commenters correctly noted that the definition of maximum continuous rating did not clearly specify the duration over which the maximum load must be sustained. DOE is correcting this oversight. The last sentence of subparagraph (2)(ii) under "design capability" has been changed to read: "For the purpose of this definition, the manufacturer's continuous rating (MCR) is defined as the maximum load in pounds of steam per hour for which the boiler is designed to operate on a sustained continuous basis (i.e. more than 24 hours)."

9. *Major fuel burning installation/electric powerplant.* One commenter recommended deleting informational requirements for the exclusion of certain pumps and compressors from the definition of major fuel-burning installation. The certification procedure for the exclusion of such units is required by section 103 of FUA. DOE believes that its rules already require the minimum informational requirements consistent with the Act.

A technical revision has been adopted which moves the Secretary's determination excluding from jurisdiction MFBI's below a certain size from a note into the body of the regulation.

10. *Natural gas.* Under section 103(a)(3) of the Act, and DOE's regulatory definition in § 500.2, the term "natural gas" does not include natural gas *produced by the user* from a well, the maximum efficient production rate of which is less than 250 million Btu's per day (so-called "marginal wells").

Several comments were received criticizing DOE's definition of the term "produced by the user" as the term relates to such marginal wells. Specifically, DOE defines "produced by the user" as either all gas produced from a marginal well, where the gas is delivered to the user through a delivery or transportation system which could not deliver the gas to any other user, *or* only that amount of gas from a marginal well, representing the user's net working mineral interest in the gas, where the gas delivery system could deliver the gas to any other user. The commenters asserted that any consideration of the gas gathering or transportation system was irrelevant in this context, and that as long as a well produces less than the threshold amount, its output is an alternate fuel.

DOE has considered these comments and does not agree that the factors applied in the rule are irrelevant for determining when natural gas in the foregoing category has been "produced by user", and may thus be removed from the pipeline as an alternate fuel. As noted in an earlier rulemaking addressing this issue (45 FR 38277–38278 (June 6, 1980)), this rule does not preclude the producer/user from demonstrating that any gas not excluded under this provision is nonetheless commercially unmarketable, and hence, an alternate fuel.

One commenter requested that, for purposes of the foregoing exclusion, DOE should redefine "maximum efficient production rate" of a well in terms of gas production, rather than *total* production, including oil and gas liquids. DOE has addressed this comment in a notice of proposed rulemaking, described *supra.*

DOE received comments from the iron and steel industry asking that commingled streams of coal by-product gas and natural gas be excluded from coverage under the regulation if the overall average heat content of the commingled stream is less than 600 Btu's per cubic foot on an annual basis. This request is based on FUA, Section 103(a)(3)(B)(iv), which excludes from the definition of natural gas, "synthetic gas, derived from coal or other alternate fuel, the heat content of which is less than 600 Btu's per cubic foot at 14.70 pounds per square inch (absolute) and 60 degrees Fahrenheit."

At first glance, it would appear that this exclusion does not apply to any mixture of synthetic gas and natural gas. Instead, any such mixture would appear to fall within FUA's definition of "natural gas," which under Section 103(a)(3)(A)(iv) includes "any fuel consisting * * * in part * * * of natural gas" and "any mixture of natural gas and synthetic gas."

However, in another section of FUA, Section 103(a)(5), Congress defined "coal" as including "any fuel derivative thereof" and thereby exluded from FUA prohibitions *any* fuel, regardless of Btu content, consisting only of synthetic gas derived solely from coal. Hence, to give some meaning to all provisions of the statute, DOE must assume that Congress intended the exclusion in FUA, Section 103(a)(3)(B)(iv), to apply to something more than synthetic gas derived solely from coal or other alternative fuel, for otherwise this section, as to coal-derived fuel, would be made wholly superfluous by Section 103(a)(5).

The language which became Section 103(a)(3)(B)(iv) began as an Administration proposal to exclude coal-derived synthetic gas which has a heat content of less than 500 Btu's. The heat content limitation was raised to 600 Btu's by the Senate, and was so adopted by the Committee of Conference, after testimony offered by the iron and steel industry.

This testimony concerned the long-standing practice within that industry of burning coal by-product gas (coke oven gas and blast furnace gas) as fuel in the iron and steel production processes. Coke oven gas, it was pointed out, often exceeds 500 Btu's in heat content. Accordingly, for such by-product gas, the exclusion as drafted was regarded as inadequate. Because the by-product gases fluctuate in volume and availability, their use requires supplementation by natural gas in order to avoid sudden pressure changes, maintain boiler ignition and flame stability, and ensure sufficient fuel supply to maintain plant production. Continuing the industry's ability to use such commingled gas was another problem addressed in this testimony.

It appears, therefore, that Section 103(a)(3)(B)(iv) was shaped, at least in part, to accommodate a long-established industrial process that Congress was aware required supplementation by natural gas. However, as explained in comments filed in this proceeding, the volume of natural gas used in this fashion is relatively small, and the total heat content of the commingled coal by-product/natural gas stream used in major fuel burning installations in the iron and steel industry is less than 600 Btu's per cubic foot , as measured on an annual basis.

On the other hand, the language in Section 103(a)(3)(A) that defines natural gas as including "any mixture of natural gas and synthetic gas" began simply as an adoption by reference of the definition of "natural gas" in the Natural Gas Act. The Congress was aware that this definition had been judicially interpreted to include commingled streams of natural gas and coal-derived sythetic gas in commercial pipelines. *Henry* v. *Federal Power Commission,* 513 F. 2nd 395 (D.C. Cir. 1975). It is clear that the Congress intended generally to carry this interpretation forward into FUA, because if all such commingled streams were exluded, large quantities

of natural gas would escape the restrictions of FUA. Further, such coal-derived synthetic gas, which a high Btu content, would become indistinguishable once commingled in the pipeline, making it difficult to determine that only synthetic gas actually produced was being used for permitted purposes. Consistent with this interpretation is a special exception in Section 103(b) for tracking high Btu gas derived from coal or other alternate fuel, which the consumer owns or is entitled to receive at the point of manufacture, but which moves via pipeline.

Accordingly, it appears that the inclusion of "any mixture of natural gas and synthetic gas" in FUA under Section 103(a)(3)(A)(iv) may be read to cover primarily commingled streams in jurisdictional pipelines, and the exclusion of synthetic gas derived from coal under Section 103(a)(3)(B)(iv) may be read to exclude from FUA commingled streams of synthetic coal gas and natural gas as used in industrial processes in the iron and steel industry, when such streams carry an average heat content of less than 600 Btu's annually as consumed in a major fuel-burning installation.

The foregoing interpretation gives meaning to all the provisions of FUA and is consistent with the purposes of FUA, set forth in Section 102(a) (3) and (4), to foster and encourage the use of coal and fuel derived from coal to the maximum extent permitted by the Act. As noted above, without the supplementary use of natural gas in the iron and steel production processes coal by-product gases would not be used, and other fuel sources of less intermittent and fluctuating availability would be required. This interpretation is therefore adopted in the regulation.

11. *Person.* One commenter questioned DOE's addition in its current rules to the FUA definition of the term "person" of "a parent and the consolidated entities (if any) which it directly or indirectly controls." DOE has considered this recommendation and is deleting the foregoing paragraph of its regulatory definition, so that the definition conforms to the statutory language.

12. *Petroleum.* One commenter recommended that DOE exclude from the definition of "petroleum," products which are *domestically* unmarketable. DOE can find no basis for this distinction in the Act. DOE's consideration of the costs of marketing a fuel (see definition of "commercial unmarketability" in 10 CFR 500.2) already takes into account the distance and accessibility of a prospective market.

13. *Primary energy source.* Under Section 103(a)(15) of the Act, DOE is authorized to prescribe, by rule, the minimum amount of fuel which will be excluded from this definition for certain uses. DOE has determined that 25 percent of any facility's total annual Btu heat input is a reasonable exclusion for the purposes of unit ignition, startup, testing, flame stabilization, and control uses. Accordingly, DOE has established a presumption that 25 percent of a facility's total annual Btu heat input will be excluded from consideration as a primary energy source. In response to comments received, DOE wishes to clarify that this exclusion is automatic; that is, where a facility is using no more oil or natural gas than the 25 percent excluded, the facility is not using a prohibited fuel, and ERA need not be notified of such use. DOE has modified the rule accordingly.

Another comment suggested that the 25 percent exclusion should be based upon a unit's total design capability, rather than actual Btu heat input. DOE does not believe that it has the authority under FUA to make this change.

Finally, a commenter requested that those facilities which have already received mixtures exemptions, as of the date these rules are effective, should thereafter be permitted to avail themselves, first, of the 25 percent exclusion, and second, of the policy of adding that exclusion to any fuel use authorized under a mixtures exemption. DOE believes that this result would be consistent both with the purposes of the proposed rules and the statute. We will therefore extend the applicability of this definition to all facilities, regardless of whether or not they had already received orders granting fuel mixtures exemptions.

14. *Rated capacity.* A commenter suggested that the term "rated capacity" apply to both powerplants and MFBI's and that the phrase "maximum sustained energy output per unit of time" in the definition be clarified. DOE has accepted these suggestions and has modified the definition accordingly.

B. Administrative Procedures and Sanctions (Part 501)

Part 501 has been adopted essentially as proposed. Minor technical errors have been corrected and portions of several provisions have been re-written or rearranged for clarification and consistency. Substantive changes reflecting the suggestions of public commenters are noted below. In addition, except where indicated *infra*, §§ 501.31(b), 501.33(b), 501.51 and 501.56 of the current rules, pertaining to existing facilities, have been continued essentially unchanged, pending a future rulemaking relating to existing facilities under the Act and its recent amendments contained in the Omnibus Budget Reconciliation Act of 1981.

1. *General Provisions (Subpart A).* DOE has rejected the suggestion of one commenter that ERA publish notice of the filing of a petition within ten (10) days of its receipt. The thirty (30) day period provided in § 502.3(c) and (d) for acceptance and notice of filing is adequate for purposes of public notice and permits adequate time to review the completeness of the document.

Proposed § 501.7(a)(1) incorrectly provided that petitions for exemption are considered to be filed upon mailing. This error has been corrected to indicate that, as in the past, petitions for exemption are filed upon receipt.

The ERA close of business hour for timely filing of documents was erroneously described as 4:00 p.m. in proposed § 501.7(a)(3). This error has been corrected and the correct close of business day, 4:30 p.m., inserted.

DOE agrees with the criticism that proposed § 501.7(a)(10), requiring detailed notification of contacts by petitioners or other applicants with DOE officials in related matters, is unnecessary and onerous. The former, less detailed, provision (10 CFR 501.7(f)) has been reinstated.

One commenter suggested that DOE should amend § 501.7(a)(11) to provide for the right to withdraw information submitted pursuant to a claim of confidentiality if the claim is denied by ERA. This issue has been addressed on several occasions in the past, most recently in the Preamble to the current rules for new facilities (45 FR 38276 (June 6, 1980)). After further consideration, DOE is not persuaded that it would be appropriate to adopt the suggested revision at this time. The rule has been revised, however, to provide that a person claiming confidentiality of information will be given an opportunity to take appropriate action to avoid the release of the information if the claim is denied by ERA.

Several comments were received concerning the proposed procedure for commercial unmarketability determinations (§ 501.7(a)(12)), ranging from the suggestion that ERA provide a self-executing procedure for making the determination to a request that ERA give automatic approval to a request for an unmarketability determination if ERA fails to act on the request within 60 days of its filing, or within 30 days, as suggested by one commenter. In order to facilitate the expeditious publication of this rule, DOE has decided to adopt

§ 501.7(a)(12) without change or amendment. In a separate rulemaking, however, DOE has proposed a new procedure for commercial unmarketability determinations, which would incorporate both the self-executing mechanism and provide for automatic classification after 60 days, as suggested by the commenters. Other changes aimed at simplifying the procedure have also been proposed for these determinations.

Section 501.13 provides no administrative appeal of any final administrative action under Part 501. DOE wishes to clarify, in response to one comment, that this provision does not apply to administrative appeals under the Freedom of Information Act, 5 U.S.C. 552, which are provided for at 10 CFR Part 1004.

2. *Written Comments, Public Hearings and Conferences During Administrative Proceedings (Subpart C).* Several commenters requested clarification of the administrative procedures applicable to an exemption petition, particularly with regard to the computation of public comment periods. The procedural confusion resulted from the creation of certification alternatives for requesting certain exemptions under the Act. The language of §§ 501.31, 501.33, 501.63 and 501.64 has been revised to more clearly reflect the fact that the exemption processes applicable to certification and non-certification exemption petitions are not identical.

For exemptions by certification, ERA will publish a Notice of Acceptance and Availability of Certification instead of a Notice of Acceptance, to signify that an exemption proceeding has commenced. The Notice of Acceptance and Availability of Certification will provide a summary of the exemption petition and a period of no less than 45 days during which interested persons may submit written comments or request a public hearing. ERA will not prepare a Tentative Staff Analysis in the case of a certification exemption. In the case of non-certification exemptions, ERA will continue to publish a Notice of Acceptance of Petition and a Notice of Availability of Tentative Staff Analysis. Where appropriate, ERA may publish the Notice of Availability of Tentative Staff Analysis at the same time as or during the public comment period on the Notice of Acceptance of Petition, in which case the comment periods on each notice would run concurrently.

At the suggestion of several commenters, DOE has decided not to promulgate proposed § 501.32, pertaining to informal conferences, because existing § 501.32 is more specific to the requirements of the statute. DOE considered other suggested changes in this provision which would permit the reopening of the record in a proceeding following a public hearing to permit the questioning of evidence submitted to ERA in a conference held after the hearing. As discussed below, this opportunity is provided for in amended § 501.34(k).

Several suggestions were made concerning the opportunity of a petitioner or order recipient to question all material relied upon by ERA in reaching a decision on a petition or other request for action. Included were the suggestions that formal adjudicatory hearings under 5 U.S.C. 554 and 556 be provided, and that all participants, including DOE, be required to pre-file preliminary statements of position identifying the specific evidence to be introduced at a public hearing. The Conference Report to FUA specifically provides that the formal adjudicatory provisions of 5 U.S.C. 554 and 556 do not apply. It also is believed that ample opportunity is already provided in § 501.34 for cross-examination of appropriate Government witnesses who participated in the development of a proposed rule, order or petition, and for questioning or responding to any evidence or information made part of the record in a particular case or relied upon by ERA in reaching a decision.

One commenter suggested that a petitioner, owner or operator should be given the option of electing to reopen a public hearing or to submit rebuttal evidence or testimony in order to fully question any record evidence received after the close of a public hearing and relied upon by ERA. In response to the comment, DOE has amended § 501.34(k) to provide the opportunity for participants to submit additional evidence, or for the reopening of the hearing, at ERA's discretion, to permit further rebuttal of statements or evidence made part of the record after the close of the public hearing. Section 501.66, which pertains to ERA's evaluation of the record, decision and order, also has been amended to provide for mandatory reopening of the hearing if ERA finds that relevant evidence made part of the record after the close of the public hearing or comment period might significantly influence the outcome of the proceeding. In addition, former § 501.34(1), and parts of §§ 501.51(c)(1) and 501.56(e)(1), all containing almost identical provisions regarding ERA's administrative record, are considered redundant and have been deleted. The administrative provisions contained in these deleted subsections are set forth in revised § 501.66(a), which applies to all proceedings under Part 501 of these regulations.

In the NOPR, DOE proposed to reduce certain burdens on the recipient of a proposed prohibition order by amending § 501.51(b) (3) and (5). Specifically, DOE proposed, among other things, to permit the order recipient to submit additional evidence relating to the identification of an exemption for which the unit subject to the proposed order might qualify at any time prior to issuance of a final order, rather than before the end of the first three-month comment period as the previous rule required. To fully effectuate DOE's intent, the language in § 501.51(b)(3) requiring the order recipient to identify exemptions during the first three-month comment period has been deleted. New § 501.51(b)(5) provides that the order recipient may demonstrate at any time prior to issuance of a final order that the facility would qualify for an exemption. ERA will generally not, however, delay issuance of a final order or stay the effective date of the order for the purpose of determining qualification for an exemption, unless the demonstration is submitted before expiration of the three-month comment period commencing with issuance of a notice of intention to proceed with a prohibition order.

Another comment suggested that a petitioner, owner, or operator (but not any representatives thereof) should be excluded from the provision contained in § 501.34(i)(4) that permits the Presiding Officer to deny the privilege of participation in a particular hearing to anyone who knowingly gives or files false or misleading statements or disrupts a hearing. The discretionary authority to exclude disruptive participants, including parties, is essential to the Presiding Officer's ability to control an administrative hearing. The right to exclude participants is personal and different representatives of a petitioner, owner or operator may participate in the hearing should any representatives be removed under this provision.

Section 701(d) of FUA provides that "any interested person" is entitled to request a public hearing. In order to "protect petitioner against capricious interventions", one commenter would restrict that right, in the case of a special temporary public interest exemption, to only those who could provide substantial evidence that they would be damaged by the grant of the exemption. Since the former Section 301(a) of the Act has been rescinded, there is no need to address this comment.

3. *Exemptions (Subpart F).* Changes made in §§ 501.63 and 501.64, regarding the commencement of an exemption proceeding and the publication of Notice of Availability of Tentative Staff Analysis, are discussed in connection with Subpart C, *supra.*

One commenter suggested that, because of the complexity of certain cases, DOE should extend the public comment period on a Notice of Availability of Tentative Staff Analysis to three weeks instead of the current two weeks. DOE anticipates that the majority of exemption requests filed will be petitions for certification exemptions for which no Tentative Staff Analysis (TSA) is required by these rules. The two-week comment period is believed to be sufficient for the majority of cases in which a TSA will be prepared. Upon request, or on its own motion, ERA may, in its discretion, extend the comment period on the Notice of Availability of Tentative Staff Analysis in a case presenting complex technical issues.

Other commenters proposed an amendment to § 501.68(a)(1), to provide a maximum period of either 90 or 120 days for ERA action on a petition, with automatic grant of the exemption if the deadline is not met, unless extended by ERA for good cause. Section 701(c)(3) of FUA provides a six month period for ERA to make its determination following public participation (comment and public hearing) on a petition. The Act also permits extension of this six month period. ERA will make every attempt to resolve issues and complete its actions speedily but DOE does not consider it necessary or advisable to reduce this statutory time period.

In response to comments, a new § 501.68(c)(2) has been added, providing that the denial of a petition for exemption is without prejudice. A petitioner whose exemption is denied may therefore submit a new petition to commence a new proceeding. In addition, former § 501.68(d)(1), relating to the imposition of terms and conditions, including conservation measures, was considered to be redundant and has been deleted.

4. *Requests for Modification or Rescission of a Rule or Order (Subpart G).* Former § 501.102(a) has been revised to permit public comment by any interested person on the record of a proceeding for the modification or rescission of a rule or order.

5. *Requests for Stay (Subpart H).* Section 501.123(a) has been revised to permit public comment by any interested person on a request for the stay of a rule or order.

6. *Rulings (Subpart J).* One commenter suggested that a person affected by an interpretative ruling should be able to rely on it for a period of 30 days after its modification or rescission. DOE has amended § 501.142(b) accordingly.

7. *Enforcement (Subpart K).* The last sentence of former § 501.167(a), which provided that ERA may revoke an exemption order previously granted if it is determined that the order recipient has committed, is committing or is about to commit a violation of the Act or any rule or order thereunder, has been deleted. The appropriate sanctions and penalties for such violations are set forth in Sections 722, 723 and 724 of FUA, and in §§ 501.181 and 501.182 of these regulations.

8. *Use of Natural Gas or Petroleum for Emergency and Unanticipated Equipment Outage Purposes (Subpart M).* In response to comments, DOE has clarified portions of this Subpart, eliminated the requirements in §§ 501.191 and 501.192 that emergencies qualifying for certain emergency uses of natural gas or petroleum under Sections 103(a)(15)(B) and 404(g) of FUA be "unanticipated," and has reduced the reporting requirements owners and operators must comply with in emergencies under these provisions. DOE will only require that the 24-hour report of emergency use describe, consistent with the best estimate of the owner or operator (1) the nature of the emergency; and (2) how long oil or gas use is likely to be required (§ 501.191(b)(1)). The reporting requirements of § 501.192(b)(1) also have been substantially reduced.

In response to comments, DOE wishes to clarify that the categories of emergencies qualifying for oil or gas use by an MFBI listed in § 501.192(a)(1)(iii), are intended to be illustrative only and are not intended to be an exclusive listing of all possible emergency conditions under which gas or oil may be used.

In response to one comment § 501.191(c)(3)(i) has been modified to accommodate the special circumstances faced by utilities operating hydroelectric facilities. While it is generally desirable to make maximum feasible use of alternate fuel capacity before resorting to oil and gas, in the case of hydroelectric facilities, maximum use of the hydro capacity without consideration of the seasonal fluctuations in storage capacity can be counter-productive. Consequently, the final rule permits utilities operating hydro facilities to determine the extent the hydro facilities will be used before oil or gas is used for emergency purposes.

C. General Exemption Requirements

1. *Cost calculation and fuel price computations (§§ 503.6, 504.12, Appendix II).* In the NOPR, DOE specifically requested comments on the cost calculations contained in §§ 503.6 and 504.12.

(a) *Guideline approach.* Many commenters suggested that DOE's cost calculation requirements should be revised to be merely guidelines, rather than mandatory requirements for qualification for cost-based exemptions.

FUA requires DOE to establish the criteria and procedures to determine when the cost of using an alternate fuel substantially exceeds the cost of using imported petroleum using best practicable estimates. FUA also requires that operating and capital costs be discounted to present value over the remaining useful life of the facility or the period of a temporary exemption. The cost test uses a standardized procedure to determine if a cost-based exemption should be granted in accordance with the Act. In many cases the cost calculation criteria are simply guidelines that a petitioner may use to show that he qualifies for an exemption; if those guidelines are followed, only a limited review by ERA will be necessary. A petitioner choosing not to use the guidelines, however, may use its own best practicable estimates instead. A petition based on such estimates, will necessarily receive more extensive review. The choice of specific criteria has been discussed in the various preambles and analyses published with earlier regulations and will not be repeated here. However, certain of the specific criteria, commented upon in response to the NOPR, are now being changed as set forth below.

(b) *Discount rate.* Many commenters have taken issue with DOE's treatment of the discount rate. These commenters would prefer to be able to use the discount rate that they use for their own business investment decisions. The discount rate is probably the single most important criterion that is used in the cost test. Therefore, DOE believes that any discount rate chosen should be based on adequate factual support, and that the standards used to compute it be generally acceptable to both industry and the government.

DOE has used the marginal cost of capital (MCC) as the discount rate since a firm, to have an optimal investment policy, should invest in all projects which have a rate of return above the MCC. Conversely, a firm should invest in all projects which are shown using the MCC to be profitable investments.

By using the MCC, DOE has implicitly assumed: (1) That the firm does not ration capital; and (2) that the decision-maker can evaluate all possible investments that are available to the firm.

One commenter suggested that the relevant discount rate should be the firm's opportunity cost—the rate of return on the next best alternative investment. However, use of opportunity cost assumes that the firm's investment policy is not optimal and that the implicit assumptions that are made by using the MCC are seriously violated. DOE recognizes that for some firms, the opportunity cost may be the appropriate discount rate.

For the present, DOE will continue to use the MCC, computed with Appendix I, as the discount rate because it is supportable and because the use of Appendix I has been received favorably by the commenters as a generally accepted standard for computing the MCC. Nevertheless, DOE is soliciting comments for a generally accepted industry standard for computing opportunity cost and, if one is developed, will modify the rule so it also can be used as the discount rate.

Several commenters stated that the methodology for computing the MCC is too complex and burdensome to the petitioner. DOE does not agree. The computations can be done on any calculator which is capable of performing a simple linear regression analysis. DOE recognizes, however, that the computations may be considered burdensome to the extent that they require acquisition of data a petitioner may not normally collect. To alleviate this burden, ERA will collect the data which is not company specific and, upon request, send it to potential petitioners or order recipients. Initially, ERA will keep files on the following data required by Appendix I: The risk-free interest rate, the value of "one share" of the S&P 500 composite index, and the estimated monthly income received from holding "one share" of the S&P 500 composite index. DOE is soliciting comments on any additional data files that commenters believe it should maintain.

Another commenter wanted a specific risk assessment factor included in the discount rate so as to provide for the special risk of building an alternate fuel-fired facility. ERA believes it is inappropriate to add a special risk factor in the discount rate. A firm's financial risk of using an alternate fuel would already be reflected in the MCC because it is appropriate for the petitioner to provide for uncertainty and risk in his cost estimates.

(c) *Useful life.* One commenter requested that DOE clarify the use of useful life guidelines contained in the cost calculation sections. DOE summarized the comments received on the useful life of a facility under Docket No. ERA–R–80–17 (45 FR 84969, December 24, 1980). DOE observed at that time that the physical life of a facility depends upon its care, maintenance, and use, and concluded that the relevant lifetime for the purposes of FUA is the physical lifetime.

DOE continues to believe that the relevant useful life for the purposes of FUA is the physical life of the facility. However, it is also apparent that the physical life depends upon maintenance policies and the projected price of fuel—with no maintenance, the life would be short; with extensive maintenance, the life is usually extended. Therefore, the physical life of a facility depends upon the cost of the resources devoted to maintenance and the price of fuel.

The useful life guidelines as contained in the cost test remain unchanged. If the petitioner elects to use the guidelines, such election should be stated with his certification. If the petitioner does not elect to use the guidelines, the summary should address how the useful life was calculated. The selection of a useful life should be based upon engineering, economic, historical, and other relevant information and factors. The regulations are being changed accordingly.

(d) *Future fuel prices.* DOE specifically requested comment concerning two alternatives to Appendix II to account for future fuel price changes. The first alternative would allow the petitioner to assume there would be no real escalation in either oil or alternate fuel price. The second alternative would allow petitioners to use their own real escalation rates for coal but require the use of the ERA-specified escalation rates for oil.

The comments DOE received on this matter uniformly recommended that petitioners should be able to use their own escalation rates. In addition, commenters indicated that ERA escalation rates do not account for escalation due to local transportation, and that it is impossible to derive any long term price trends for either coal or oil.

FUA requires DOE to grant a cost exemption if the present value of the cost to use alternate fuel substantially exceeds the present value of the cost to use imported petroleum over the useful life of the facility based upon best practicable estimates (FUA, Sections 211(a), 212(a), 311(a), 312(a), providing for cost-based exemptions, and Section 103(a)(20), defining "cost"). DOE interprets this requirement to mean that DOE must prescribe a standard which will adjust the real prices of the petitioner's oil or gas to the real price of imported petroleum over the useful life of the facility. The projected price of alternate fuel is simply the best practicable estimate. However, DOE realizes that any projections of future fuel prices are speculative at best and become more speculative as the forecast horizon lengthens. Moreover, DOE realizes that the future prices of fuels, particularly coal, are subject to local situations and transportation problems. Accordingly, DOE is modifying Appendix II so that the petitioner may: (1) Use constant coal and oil prices throughout the useful life, (2) use the prescribed oil escalation rate, and its own substantiated alternate fuel escalation rate, (3) use the oil and coal escalation rates prescribed, or (4) use constant oil and coal prices with a prescribed premium added to the price of oil to account for escalation.

(e) *Summary of evidence.* DOE proposed to modify the evidence requirements to enable petitioners to (1) certify that the cost of using an alternate fuel would substantially exceed the cost of using imported oil, and (2) submit a brief summary of the evidence to support the certification. Several commenters said that the term "brief summary" was unclear and requested that DOE elaborate on it.

To meet the "brief summary" evidentiary standard, a petitioner should submit legible copies of the calculations performed to make the certification. If all suggested guidelines are used (e.g., 7.7 percent discount rate and 40 years useful life) only the certification copies of the calculations themselves, and a very brief description of the cash flow must be submitted. If the MCC as computed with Appendix I is used, copies of that calculation with notations as to the source of the data used should be submitted.

2. *No alternate power supply (§ 503.8).* Some commenters indicated that the final rule should clarify whether petitioners are permitted to certify to any one of the following three criteria to indicate that no alternate power supply is available: (1) the effort to purchase firm power, (2) a decline in the reserve margin to under 20 percent, and (3) impairment of reliability of service even though the reserve margin remains over 20 percent. Their uncertainty concerning the manner in which the alternate power supply test works result from DOE's inadvertent use of the word "or" after

§ 503.8(b)(1) of the NOPR. This word has been changed to "and," to reflect the correct conjunctive test; i.e., to meet the alternate power supply requirement, a petitioner must certify that a diligent effort has been made to purchase power at a cost less than 10 percent above the cost of generating power from the proposed plant; *and* either the reserve margin would equal or fall below 20 percent, *or*, where the reserve margin would exceed 20 percent, reliability of service would be impaired.

As stated in the NOPR, conservation measures need no longer be examined and, in calculating the reserve margins, the petitioner may use its electric region, normal dispatch area, or normal service area.

One commenter recommended that the 20 percent reserve margin standard should be a reference point rather than a fixed standard. DOE believes that the 20 percent standard acts in this manner, since, even in situations where the reserve margin exceeds 20 percent, a petitioner may still qualify by demonstrating impaired reliability.

Several commenters recommended that DOE delete the mandatory imported petroleum cost standard for this test. DOE agrees, and, as discussed in this Preamble under the definition of "Cost of Petroleum and Natural Gas," has made appropriate revisions.

Finally, one commenter requested that in seeking to establish impaired reliability where the reserve margin would be in excess of 20 percent, "constraints related to the contractual terms and conditions upon which power may be obtained or transferred" should be taken into consideration. DOE does not intend in these rules to foreclose petitioners from seeking to demonstrate that such "constraints" qualify under the standards set forth in § 503.8(b)(2)(ii).

3. *Use of mixtures (§ 503.9).* Two commenters recommended clarification of the Note in this section to reflect that mixtures other than oil/gas-coal mixtures, would need to be considered only at petitioner's discretion. DOE has added such clarifying language.

4. *Alternative site (§ 503.11).* One comment suggested that the language of § 503.11 be confined to four types of permanent exemptions—lack of alternate fuel supply, site limitations, environmental requirements, and inadequate capital—and should not pertain to exemptions under Sections 212 (b) and (h) of the Act for state and local requirements and intermediate load, respectively, which carry their own independent alternate site requirements. This revision would be consistent with the statutory language of Sections 212 (a), (b) and (h) of FUA, and it has therefore been incorporated into the final rules.

5. *Terms and conditions (§ 503.12).* One comment suggested that DOE's Preamble language, indicating that any terms and conditions will be limited to the exempt unit itself (46 FR 31220 (June 12, 1981)), should be incorporated into § 503.12 of the rules. DOE's proposal already reflected this suggestion.

One commenter indicated its belief that DOE's proposal to delete the compliance plan requirement for certain temporary exemptions would be an abrogation of its authority to require a compliance plan under Section 214 of the Act. With the exception of the temporary synthetic fuel exemption under Title II, imposition of a compliance plan is discretionary with DOE under the Act. We believe the further imposition of this requirement is unnecessary and places unreasonable burdens on facilities receiving exemptions of only limited duration. For these reasons DOE will adopt the proposed revision.

One commenter suggested that DOE delete from §§ 503.32(c), 503.38(e), 503.39(e), 503.41(e) and 503.42(d) of its final rule, terms and conditions relating to use of the lowest grade of petroleum available and capable of being burned. If a firm acquiring one of these certification exemptions wishes to burn a higher quality oil for environmental or other reasons, according to the commenter, it should not be inhibited from doing so under DOE's rules. DOE agrees, and has deleted these standard terms and conditions.

Finally, for reasons discussed under the heading "Enforcement (Subpart K)" in this Preamble, DOE has deleted subsection (c) of this section, relating to termination of exemptions.

6. *Conservation measures (previous § 503.13).* It was DOE's intent to delete all requirements in the NOPR which referenced attaching conservation measures as a term or condition to the grant of an exemption petition. In any instance where such references were inadvertently included, they have been deleted in these rules.

7. *Petroleum and natural gas consumption (previous § 503.14).* Similarly, DOE intended to delete any requirement for information regarding petroleum and natural gas consumption as a term or condition to the grant of an exemption petition. In any instance where such references were not deleted from the proposal, they have been removed from these rules.

8. *Environmental impact analysis (§ 503.13).* The comments on this issue reflected a concern with the quantity and detail of environmental data called for under new § 503.13. One commenter suggested that a mere statement of a petitioner's intention to comply with applicable environmental requirements should suffice in many instances. Another commenter recommended that subsection (b), providing for reduced data requirements, should now be extended to apply to all certification exemptions. DOE believes that this section already calls for the minimum requisite environmental data to assure ERA's compliance with FUA and the National Environmental Policy Act. DOE will, however, reevaluate its environmental guidelines (44 FR 63740 (November 5, 1979)) with a view toward extending the applicability of the alternative subsection (b) checklist procedure.

An additional comment recommended that the subsection (b) checklist should be restricted such that units built on existing sites need not complete the checklist to the extent it pertains to location or operation of the *plant*, as opposed to the *unit*. DOE intends that in instances where a petitioner considers a checklist question irrelevant to its circumstances, it can utilize the "not applicable" box, providing a brief elaboration of its reasons therefor on a separate sheet of paper. If those reasons are sufficient to support grant of the exemption, no further inquiry should be required.

9. *Fuels search (§ 503.14).* A number of commenters indicated concern that the proposed rule language was ambiguous, and could be interpreted in a manner inconsistent with DOE's Preamble explanation (46 FR 31220 (June 12, 1981). DOE has revised the language contained in this section to reflect more clearly the test described in the Preamble—a petitioner will be required to evaluate *only* the use of conventional, solid coal; however, where a petitioner believes that its use of such coal would be infeasible, and where ERA and the petitioner can reach accord, it may evaluate another alternate fuel instead.

One commenter suggested that consideration of what fuels have been demonstrated to be acceptable for use in comparable commercial applications could engender unnecessary regulatory delays. DOE intends that where a petitioner elects to examine an alternate fuel other than coal, it will have wide latitude in choosing a reasonable alternative. To avoid any misunderstanding, the language pertaining to comparable commercial applications has been deleted.

10. *Technical change.* In a proposed amendment to the cost calculation for new facilities, § 503.6 was erroneously

labeled "State approval required for powerplant." (46 FR 31228 (June 12, 1981)). The correct section title, "Cost calculations for new facilities," has been substituted.

D. Exemptions

DOE notes generally that many of the comments addressed, *infra*, apply not only to the permanent exemption involved, but also to its companion temporary exemption.

One comment addressed the temporary exemption "purpose and scope" section. That section previously provided that the duration of any temporary exemption would be "measured from the date that the facility is placed in service." DOE proposed to delete that phrase, since a temporary exemption could be obtained after a unit is placed in service on alternate fuels. DOE received one comment on this proposal, recommending substitution of the phrase "measured from the date that the facility is placed in service using petroleum or natural gas" for the language noted above. The commenter indicated concern that DOE's proposal to delete this subsection might enable it to make an exemption effective prior to the commencement of oil or gas use, thus curtailing the exemption duration. DOE has added this subsection back into the rules, with the additional language recommended.

1. *Temporary synthetic fuels exemption (§ 503.24).* Commenters suggested that DOE clarify what will constitute an acceptable binding contract so that greater certainty is provided to potential suppliers and users of synthetic fuels. It is DOE's intent, consistent with the purposes of the Act, to interpret the language requiring the demonstration of a binding contract in a manner which we feel is most likely to encourage synthetic fuels development. Specifically, DOE has added a Note to reflect that contracts based on the anticipated successful demonstration of a development program and/or the anticipated economic feasibility of a synthetic fuels facility, will generally be considered adequate for the demonstration.

One commenter recommended that DOE provide that if at the expiration of a synthetic fuels exemption use of synthetic fuels is not economically feasible, it will permit continued oil or natural gas use in the recipient facility. DOE believes that it lacks authority to issue, in effect, a prospective, generic exemption of this nature from the prohibitions of Title II. The petitioner would thus be required to obtain an exemption at that time, or face applicable prohibitions on oil and natural gas use.

In response to one comment, DOE has added language indicating that unless a petitioner requests otherwise, a temporary exemption from statutory *use* prohibitions will commence on the date of commercial operation of the facility.

Finally, DOE has conformed the organization of the eligibility and evidentiary requirements under this certification exemption, to that of the other certification exemptions under these rules.

2. *Temporary public interest exemption (§ 503.25).* DOE's proposal inadvertently deleted subsection (a)(2) of this exemption, providing that "one of the cases where ERA intends to grant this exemption is where the petitioner needs the temporary use of a natural gas or petroleum fuel unit until the on-going construction of an alternate fired unit is completed." DOE has reinstated the content of this subsection, in response to comments received, in the form of a certification alternative for acquisition of a temporary public interest exemption. The certification procedure recognizes that it is in the public interest to permit the temporary use of oil or natural gas, for up to 5 years, as needed, during the construction phase of an alternate fuel-fired unit.

3. *Temporary/permanent lack of alternate fuel supply exemptions (§§ 503.21, 503.32).* In response to its specific solicitation of comment concerning the 600 hour certification alternative for MFBI's, DOE received several comments recommending increases in authorized use of up to 1500 full load hours on an annual basis. Other comments suggested tying this portion of the exemption to a capacity factor of 17 percent or more. These comments are addressed in a separate notice of proposed rulemaking, described *supra*.

One other comment suggested that DOE include in the rule itself the explanation contained in the NOPR Preamble (46 FR 31221 (June 12, 1981)) concerning use of the phrase "full load hours." DOE has included this language as a Note to the exemption.

4. *Temporary/permanent site limitations exemptions (§§ 503.22, 503.33).* In response to one comment, DOE has revised the examples provided in the Notes to these sections to eliminate the conditional "would be" tense used therein.

5. *Temporary/permanent environmental exemptions (§§ 503.23, 503.34).* Many commenters questioned DOE's use of the phrase "cost-effective pollution control equipment" in the certification alternatives for this exemption. The commenters indicated that the meaning of this phrase was unclear. One commenter suggested substitution of the following: "pollution control equipment available at a cost that makes its use reasonable." Another suggested substitution of the concept of feasible equipment that meets applicable standards at the least cost. Most commenters requested use of a standard that maintained continuity with existing environmental legislation. It is DOE's intention that, for Class I and Class II areas, the "best available control technology" (BACT) standard, as employed in the Clean Air Act, should be used. For the certification alternative for contribution to concentrations of a pollutant for which a national ambient air quality standard would be exceeded, the Clean Air Act's "lowest achievable emission rate" (LAER) standard is employed. The rules have been revised accordingly.

DOE's NOPR specifically requested comment on whether it should require the consideration of acquisition of offsets as required by the Clean Air Act. All commenters on this issue indicated that this is an unnecessarily costly and burdensome requirement; DOE has therefore declined to adopt it for certification portions of the exemption.

One commenter suggested that facilities located *or which will be located* in a Class I area should qualify for the certification alternative. Since these sections pertain to new facilities, which may be under construction at new sites, DOE has adopted this suggestion.

DOE specifically sought comment on broadening the availability of the certification alternative to other environmental circumstances. DOE received one suggestion—that the certification alternative should be extended to any facility located or which will be located in a Class II area. DOE agrees that facilities located or to be located in Class II areas, in which the allowable increment has been exhausted, should qualify to use the certification procedure, and has revised the rules accordingly.

Many commenters felt that DOE should be open to the consideration of economic factors in the noncertification portions of the exemption. DOE continues to believe, however, that the costs of environmental compliance are more properly considered under the cost-based "lack of alternative fuel supply" exemptions.

Several commenters objected to the amount of evidence required to qualify for the non-certification exemption portions of these exemptions. DOE

believes that the current evidentiary requirements call for the minimum submissions necessary to evaluate a non-certification environmental exemption under the Act. DOE also believes that these are materials that are typically available to a facility in connection with the environmental permitting process. DOE has, however, simplified the requirements so that the material called for need no longer contain the same level of detail previously required.

One commenter indicated that the NOPR Preamble suggested that a facility would be eligible for an exemption if it would cause or contribute to violation of a national ambient air quality standard *in a nonattainment area*, and that the rule itself was not so limited. DOE wishes to clarify that the rule is *not* so limited, and the exemption language, as adopted, reflects this. The same commenter also requested clarification of Preamble language in the NOPR purporting to permit the exemption when the facility is in a nonattainment area, while the rule requires that the area be nonattainment for a pollutant the facility would emit. Once again, the rule, rather than the NOPR Preamble correctly stated DOE's intent.

Finally, DOE received several comments recommending technical revisions, which have been adopted as follows: First, §§ 503.23(b) (8), (9) (relating to compliance plan and conservation requirements) and 503.34(b) (12), (13) (relating to conservation and petroleum and natural gas consumption requirements) have been deleted. Second, the reference in § 503.34(d(1)(iv) to § 503.11 has been revised to reference § 503.9 (relating to the use of mixtures general requirement).

6. *Permanent inadequate capital exemption (§ 503.35).* DOE has adopted its proposal to delete the requirement that larger utilities demonstrate that specific debt constraints could not be overcome by action of the state regulatory authority.

The exemption for an inability to obtain adequate capital requires that a petitioner demonstrate that the capital needed for an alternate fuel fired facility cannot be raised. In the case of a powerplant, DOE required a showing that this inability was due to specific restrictions constraining management's ability to raise capital.

One commenter noted that a utility's inability to raise capital may not be due to a specific restriction (*e.g.* if the capital could be raised, the bond convenants would not be violated), and that weakening of a utility's over-all financial condition should qualify. DOE has addressed this comment in a separate notice of proposed rulemaking, described *supra*.

Several commenters requested that DOE delete evidentiary subsection (c) (2), calling for submission of certain detailed information. DOE's NOPR already provided for the deletion of this evidentiary requirement.

One commenters requested deletion of the requirement to show that capital restrictions could not be alleviated by any action of the state regulatory authority. Another commenter recommeded deletion of the Note concerning analysis at the parent firm level. These requirements, too, had already been deleted in the NOPR.

7. *Permanent state or local requirements exemption (§ 503.36).* A number of commenters recommended deletion of § 503.36(a)(2), calling for a certification of good-faith efforts to obtain a variance from state or local requirements. DOE believes that this requirement is necessary in order to meet the Congressional directive that the Secretary determine that the state or local requirement would *prevent* use of an alternate fuel (FUA Conference Report, pgs. 76–77).

8. *Permanent cogeneration exemption (§ 503.37).* The permanent cogeneration exemption procedures have been adopted as proposed, with one exception. Section 503.37(b) (specifications of the cogeneration facility) has been deleted in its entirety because it was considered to be a superfluous restatement of the provision excluding certain cogeneration facilities from the definition of "electric generating unit." The latter provision (contained in § 500.2) has been amended, however, to indicate that ERA will continue to exclude sales or exchanges of electricity among owners of the cogeneration facility in determining whether a specific facility is deemed to be a powerplant or an MFBI.

DOE received many comments and expressions of concern about the failure to expeditiously proceed with the Notice of Proposed Rulemaking regarding cogeneration (45 FR 53368, (August 11, 1980)) or, alternatively, to propose and adopt a less onerous standard for applying for and obtaining the permanent cogeneration exemption. DOE is aware of these concerns and is currently in the process of reviewing its cogeneration policies.

For now, the instant rule is an attempt to simplify the process of applying for the exemption. DOE recognizes that the substantive provisions of the rule regarding the calculation of oil and gas savings, which are a consolidation of the interim rule provisions (§§ 503.37, 505.27), can be complex and burdensome. DOE is accordingly considering several alternatives to simplify these provisions.

9. *Permanent fuel mixtures exemption* (§ 503.38). According to one comment, DOE should explicitly sanction the supplemental firing of oil or natural gas at a coalfired powerplant where it would avoid the less efficient use of greater quantities of oil or natural gas at oil or natural gas fired facilities to generate equivalent electricity. The commenter suggested that this could be accomplished by construing "reasonable level of fuel efficiency" as referring to the power system, rather than just the unit. DOE does not have the authority to vary the unit-specific nature of this requirement set forth in Section 212(d) of the Act.

One commenter suggested increase of the automatic allowance of 25 percent of the total Btu heat input of the primary energy sources in an MFBI of 35 percent. The 25 percent level is established by Section 212(d) of the Act, and DOE is without authority to modify it.

Another comment recommeded deletion of the reporting requirement in § 503.38(g). DOE has adopted this suggestion and deleted this requirement.

10. *Permanent emergency exemption (§503.39).* One commenter recommeded conforming § 503.39(b)(2), defining a powerplant emergency, with the revisions to §§ 501.191 and 501.192, deleting the phrase "to its industrial customers." DOE has adopted this recommendation for the same reasons discussed in its NOPR Preamble (46 FR 31219 (June 12, 1981)).

One commenter requested that DOE include examples of situations which would qualify under § 503.39(b)(1)(ii) as necessary for "the preservation of human health." DOE believes that such inclusion of examples would be speculative and that petitioner's certifications under this standard should be evaluated on a case-by-case basis.

Finally, DOE has conformed the organization of the eligibility and evidentiary requirements under this certification exemption to that of the other certification exemptions under these rules.

11. *Permanent reliability exemption (§ 503.40).* To reflect the fact that a reliability analysis other than loss of load probability (LOLP) may be used, DOE, in response to a comment, has inserted the words "may" and deleted the word "must" in § 503.40(b).

DOE, consistent with industry practice, has also conformed § 503.40(b)(1) to be revised § 503.8, by permitting petitioners, in analyzing

reserve margins, to use electric regions, normal dispatch areas of normal service areas. This revision is responsive to several comments that DOE authorize use of an area other than the electric region.

12. *Permanent peakload exemption (§ 503.41).* One commenter recommended that DOE define the peakload generation ceiling in terms of hours of equivalent oil use without compressed air storage, in order to provide an incentive for that technology. Another commenter recommended changing the 1500 hours per year limit to an average of 1500 hours over a 5–10 year period. The definition of peakload powerplant is established by Section 103(a)(18) of FUA as "a powerplant the electrical generation of which in kilowatt hours does not exceed, for any 12-calendar-month period, such powerplant's design capacity multiplied by 1500 hours." DOE does not believe that it had the authority to adopt the recommended revisions to that definition.

13. *Permanent scheduled equipment outages exemption (§ 503.43).* DOE has deleted § 503.43(a)(2), since it merely restated the fuel search requirement for use of a unit in excess of 28 days per year, which is already set forth in § 503.43(b)(4) (relating to evidentiary requirements).

E. Existing Facilities—Title III of FUA

In its June 12, 1981 NOPR, DOE proposed several changes to its rules governing existing facilities, including rules governing the cost calculation methodology, the findings for issuance of a prohibition order, as well as definitional and certain procedual proposals, which were directed to both new and existing facilities. In addition, DOE specifically solicited public comment on any additional issues respecting its regulatory program under the Act. In response to the NOPR, DOE received a number of comments on its rules under Title III, including comments concerning the following issues, which uniquely affect existing facilities: The "off-gas" prohibitions; technical capability (including "substantial physical modification") and financial feasibility findings and procedures for issuance of prohibition orders; Title III exemptions, including ERA's so-called "Special Rule" for temporary use of natural gas; and the system compliance option under Title V of FUA.

On August 13, 1981, the President signed into law the Omnibus Budget Reconciliation Act (Pub. L. 97–35 ("OBRA")). Section 1021 of OBRA substantially amended Section 301 of FUA, relating to prohibitions applicable to existing electric powerplants. Under the new Section 301, the so-called "off gas" provisions of FUA were deleted, and the prohibition order process was substantially amended.

Pursuant to its June 9, 1981 proposal, DOE has herein adopted a revised cost calculation methodology for existing facilities, as well as procedures and definitions which apply to existing as well as new facilities. In addition, in response to the deletion under OBRA of the off-gas provisions of former Section 301(a) of FUA, DOE, in a new notice of proposed rulemaking, is proposing to revoke its so-called "Special Rule," authorizing temporary public interest exemptions from those former prohibitions. In light of the foregoing amendments to Section 301 of FUA, DOE has decided to defer both adoption of any additional revisions, and consideration of additional comments relating to the prohibitions and exemption process of Title III of the Act at this time. To the extent they are still pertinent, all such comments will receive due consideration in a later rulemaking relating to the provisions of Title III of FUA, as amended.

DOE wishes to emphasize at this time that the standards and criteria it intends to propose respecting existing facilities will be consistent with the basic purposes of the rules adopted herein—reduction of regulatory burdens, simplification of the FUA exemption process, and elimination of unnecessary regulatory intervention in fuel choice decisions by the private sector.

F. Other Matters

1. *Nonboiler MFBI's.* DOE is authorized, under Section 202(b) of FUA, to prohibit the use or oil of natural gas in certain categories of nonboiler MFBI's. To date, ERA has not exercised this authority. Several commenters requested a definitive statement of DOE's intent with respect to the prospective exercise of this authority. DOE therefore wished to restate its position that it has no intention to exercise the authority in Section 202(b) of FUA to prohibit oil or gas use in nonboiler MFBI's.

2. *Retroactivity.* Many commenters recommended that any changes adopted herein should be made retroactively applicable to units which have already obtained exemptions. Other commenters recommended that the changes be applied prospectively only, and that current exemption holders should not be affected.

DOE is applying its revised definition of primary energy source, which raises the percentage of fuel automatically excluded for the purposes of unit ignition, startup, testing, flame stabilization, and control uses, and permits addition of this fuel to any fuel authorized to be used under a fuel mixtures exemption, to all facilities, regardless of whether or not they have already received final orders granting exemptions. To do so does not require the modification of any final order. DOE believes that it cannot, however, extend similar treatment to terms and conditions contained in existing final exemption orders. Any holder of such a final order seeking the benefits of any of the rule and policy changes adopted herein, which will thus require rescission or modification of the order, must follow the procedural requirements of §§ 501.100 through 501.103 of these rules.

III. Procedural Matters

A. Additional comments

Interested persons are invited to submit additional comments on the rules finalized herein, concerning the further reduction of unnecessary regulatory burdens under the FUA program. Comments should be identified on the outside envelope and on the documents submitted with the designation: "Powerplant and Industrial Fuel Use Act Docket No. ERA–R–81–06." Fifteen copies should be submitted. All comments received will be available for public inspection in the ERA Office of Public Information, 2000 M Street NW., Room B–110, Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

If you wish to submit any information or data which you consider to be confidential, you must comply with DOE's freedom of information regulations (10 CFR Part 1004). DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Section 102 of the National Environmental Policy Act (NEPA)

DOE has determined that this final rule does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this rule is not required.

C. Regulatory Flexibility Act

DOE has determined that this final rule will not negatively impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act. Accordingly, DOE certifies that this rule is not likely to have a significant impact

on a substantial number of small entities within the meaning of that Act.

D. Executive Order No. 12291

The Office of Management and Budget waived the requirements of Sections 3, 4 and 7 of Executive Order No. 12291, as they pertain to major rules, for these final rules.

E. Paperwork Reduction Act of 1980

This final rule must be submitted to the Office of Management and Budget for clearance under the provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511. Any compliance with the data collection provisions of these final rules may require revision or additions as a result of any OMB action.

(Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*), Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); Energy Security Act, Pub. L. 96-294, 94 Stat. 611 (42 U.S.C. 8701 *et seq.*); E.O. 12009, 42 FR 46267, September 15, 1977)

In consideration of the foregoing, Parts 500, 501, 503, 504, and 505, Subchapter E, "Alternate Fuels" of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below.

Issued in Washington, D.C. on the 30th day of November 1981.

James B. Edwards,

Secretary of Energy.

10 CFR Chapter II is amended as set forth below.

1. Part 500 is revised to read as follows:

SUBCHAPTER E—ALTERNATE FUELS

PART 500—DEFINITIONS

Sec.

500.1 Purpose and scope.
500.2 General definitions.
500.3 Electric regions—electric region groupings for reliability measurements under the Powerplant and Industrial Fuel Use Act of 1978.

Authority: Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); E.O. 12009, 42 FR 46267 (September 15, 1977).

§ 500.1 Purpose and scope.

Unless otherwise expressly provided or the context clearly indicates otherwise, this section defines the terms used in these regulations. The use of the male gender is to include female; the use of singular to include plural.

§ 500.2 General definitions.

For purposes of this part and Parts 501-507 term(s):

"Act" means Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*

"Action" means a prohibition, by rule or order, in accordance with sections 202, 301 (b) and (c), 302 (a) and (b), 401, 402 and 405 of FUA; an order granting or denying an exemption in accordance with sections 211, 212, 311, and 312 of FUA; a modification or rescission of any such order, or rule; an interpretation; a notice of violation; a remedial order; an interpretive ruling; or a rulemaking undertaken by DOE.

"Affiliate", when used in relation to person, means another person who controls, is controlled by, or is under common control, with such person.

"Aggrieved", for purposes of administrative proceedings, describes and means a person (with an interest sought to be protected under FUA) who is adversely affected by an action proposed or undertaken by DOE.

"Air pollution control agency" means any of the following:

(1) A single State agency designated as the official State air pollution control agency;

(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution;

(3) A city, county, or other local government health authority or, in the case of any city, county, or other local unit of government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

(4) An agency or two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

"Alternate fuel" means electricity or any fuel, other than natural gas or petroleum. The term includes, but is not limited to:

(1) Coal;

(2) Solar energy;

(3) Petroleum coke; shale oil; uranium; biomass; municipal, industrial, or agricultural wastes; wood; and renewable and geothermal energy sources (For purposes of this subparagraph (3), the term "industrial" does not include refineries.);

(4) Liquid, solid or gaseous waste by-products of refinery or industrial operations which are commercially unmarketable, either by reason or quality or quantity. (For purposes of this subparagraph (4), the term "waste by-product" is defined as an unavoidable by-product of the industrial or refinery operation.) A waste by-product of a refinery or industrial operation is commercially unmarketable if it meets the criteria listed in the definition of "commercial unmarketability," set forth below.

(5) Any fuel derived from an alternate fuel; and

(6) Waste gases from industrial operations. (For purposes of this subsection, the term "industrial" does not include refineries.)

"Applicable environmental requirements" includes:

(1) Any standard, limitation, or other requirement established by or pursuant to Federal or State law (including any final order of any Federal or State Court) applicable to emissions of environmental pollutants (including air and water pollutants) or disposal of solid waste residues resulting from the use of coal or other alternate fuels, natural gas, or petroleum as a primary energy source or from the operation of pollution control equipment in connection with such use, taking into account any variance of law granted or issued in accordance with Federal law or in accordance with State law to the extent consistent with Federal law; and

(2) Any other standard, limitation, or other requirement established by, or pursuant to, the Clean Air Act, the Federal Water Pollution Control Act, the Solid Waste Disposal Act, the Resource Conservation and Recovery Act of 1976, or the National Environmental Policy Act of 1969.

"Base load powerplant" means a powerplant, the electrical generation of which in kilowatt hours exceeds, for any 12-calendar-month period, such powerplant's design capacity multiplied by 3,500 hours.

"Boiler" means a closed vessel in which water is heated electrically or by the combustion of a fuel to produce steam of one percent or more quality.

"Btu" means British thermal unit.

"Capability to use alternate fuel", for the purpose of the Title II prohibition relating to construction of new powerplants, means the powerplant to be constructed must have (1) the ability, from point of fuel intake, to physically sustain combustion of an alternate fuel and to maintain heat transfer; and

(2) Adequate space for appropriate pollution control or fuel handling equipment for the use of such alternate fuel.

This alternate fuel must be available to the operator at the facility site at the time it becomes operational (i.e., upon commencement of the commercial generation of power) or at the expiration of a temporary exemption.

Example: ERA will examine the furnace configuration and ash removal capability but will not conclude that the absence of fuel handling equipment, such as conveyor belts, pulverizers, or unloading facilities, or pollution control equipment, bears on the issue of a unit's capability to burn an alternate fuel.

"Clean Air Act" means the Clean Air Act, 42 U.S.C. 7401 *et seq.* (1970), as amended by Pub. L. 93-319, 88 Stat. 246, and Pub. L. 95-91, 91 Stat. 685.

"Coal" means anthracite, bituminous and sub-bituminous coal, lignite, and any fuel derivative thereof.

"Cogeneration facility" means an electric powerplant or a major fuel burning installation that produces:

(1) Electric power; and

(2) Any other form of useful energy (such as steam, gas or heat) that is, or will be, used for industrial, commercial, or space heating purposes. In addition, for purposes of this definition, electricity generated by the cogeneration facility must constitute more than ten (10) percent and less than ninety (90) percent of the useful energy output of the facility.

"Combined cycle unit" means:

(1) For a powerplant, an electric power generating unit that consists of a combination of one or more combustion turbine units and one or more steam turbine units with a substantial portion of the required energy input of the steam turbine unit(s) provided by the exhaust gas from the combustion turbine unit(s).

(2) For a major fuel burning installation, a unit that consists of a combination of one or more combustion turbine units and one or more waste heat boilers with a substantial portion of the required energy input to the waste heat boiler(s) provided by the exhaust gas from the combustion turbine unit(s). The addition of one or more steam turbine units will not affect the facility's status as an MFBI combined cycle as long as the entire facility remains classified an MFBI.

Substantial amounts of supplemental firing for a steam turbine or waste heat boiler to improve thermal efficiency will not affect a unit's classification as a combined cycle.

"Combustion turbine" means a unit that is a rotary engine driven by a gas under pressure that is created by the combustion of any fuel.

"Commercial unmarketability" as used in the definitions of "alternate fuel," "natural gas" and "petroleum" shall be determined as follows, when applied to a specific fuel which is burned by its producer:

(1) A waste by-product of industrial or refinery operations is commercially unmarketable by reason of:

(i) Quality, where the cost of processing (limited to upgrading the waste by-product to commercial quality), storing, and distributing the waste by-product would not be covered by reasonably expected revenues from its sale;

(ii) Quantity, where the cost of aggregating the waste by-product into commercial quantities through storing and distributing the waste by-product would not be covered by reasonably expected revenues from its sale.

(2) A fuel will not be classified as "natural gas" when it is commercially unmarketable by reason of:

(i) Quality, where the cost of producing, upgrading to commercial quality, storing, and distributing the fuel would not be covered by reasonably expected revenues from its sale; or

(ii) Quantity, where the quantities of the fuel are so small that the revenues to be reasonably expected from its sale would not cover the cost of its production, distribution or storage.

(3) Costs associated with upgrading, storing, distributing, and aggregating a by-product or other fuel (to determine if such fuel is natural gas) may properly include a reasonable rate of return on any capital investment required to overcome the problems posed by the quality or quantity of a fuel because the return on investment is a normal aspect of any investment decision. A firm may account for this reasonable rate of return by using its customary discount rate for an investment of similar risk.

(4) As part of any consideration of the rate of return on investment, the cost of replacing the Btu's lost if the by-product or other fuel were upgraded and sold instead of used as a fuel may be taken into consideration. The actual expense that would result from burning a replacement fuel in lieu of the by-product or other fuel in question may therefore be considered. The costs associated with using a replacement fuel are indirect costs that result from upgrading and selling the fuel, instead of burning it. These indirect costs as well as the direct costs associated with the upgrading, storing, distributing, and aggregating of by-products or other fuel may be considered in any assessment of commercial unmarketability.

"Conference" means an informal meeting incident to any proceeding, between DOE and any interested person.

"Construction" means substantial physical activity at the unit site and includes more than clearance of a site or installation of foundation pilings.

"Costs" means total costs, both operating and capital, incurred over the estimated remaining useful life of an electric powerplant or major fuel burning installation, discounted to the present pursuant to rules established in Parts 503 and 504 of these regulations.

"DEOA" means the Department of Energy Organization Act (Pub. L. 95-91) (42 U.S.C. 7101 *et seq.*) as implemented by Executive Order 12009 (42 FR 46267, September 15, 1977).

"Design capability" shall be determined as follows:

(1) For a powerplant, defined in section 103(a)(7) of FUA:

(i) *Boiler and associated generator turbines.* The design fuel heat input rate of a steam-electric generating unit (Btu/hr) shall be the product of the generator's nameplate rating, measured in kilowatts, and 3412 (Btu/kWh), divided by the overall boiler-turbine-generator unit design efficiency (decimal); or if the generator's nameplate does not have a rating measured in kilowatts, the product of the generator's kilovolt-amperes nameplate rating, and the power factor nameplate rating; and 3412 (Btu/kWh), divided by the boiler turbine-generator unit's design efficiency (decimal). (The number 3412 converts kilowatt-hours (absolute) into Btu's (mean).)

(ii) *Combustion turbine and associated generator.* The design fuel heat imput rate of a combustion turbine (Btu/hr) shall be the product of its nameplate rating, measured in kilowatts, and 3412 (Btu/kWh), divided by the combustion turbine-generator unit's design efficiency (decimal), adjusted for peaking service at an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and at the unit's elevation. (The number 3412 converts kilowatt-hours (absolute) into Btu's (mean).)

(iii) *Combined cycle unit.* The design fuel heat input rate of a combined cycle unit (Btu/hr) shall be the summation of the product of its generator's nameplate rating, measured in kilowatts, and 3412 (Btu/kWh), divided by the overall combustion turbine-generator unit's efficiency (decimal), adjusted for peaking service at an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and at the unit's elevation, plus the product of the maximum fuel heat input to any supplemental heat recovery steam generator/boiler in gallons or pounds per hour and the fuel's heat content. If the generator's nameplate does not have a rating measured in kilowatts, the product of the generator's kilowatt-amperes nameplate rating and power factor nameplate rating must be substituted for kilowatts. (The number

3412 converts kilowatt-hours (absolute) into Btu's (mean).)

(2) For a major fuel burning installation, defined in section 103(a)(10) of FUA, the fuel heat imput rate of a boiler (Btu/hr) shall be deemed, at the option of the owner or operator, to be either:

(i) The safety valve minimum relieving capacity (lbs/hr) multiplied by the enthalpy difference (Btu/lb) of feedwater input and steam output, divided by the boiler design efficiency (decimal) for the fuel. For the purpose of the definition, the safety valve capacity shall be determined in accordance with the current American Society of Mechanical Engineers Boiler and Pressure Vessel Code; or

(ii) The manufacturer's continuous rating (lb/hr) multiplied by the enthalpy difference (Btu/lb) of feedwater imput and steam output divided by the design efficiency (decimal) for the fuel. For the purpose of this definition the manufacturer's continuous rating (MCR) if defined as the maximum load in pounds of steam per hour for which the boiler is designed to operate on a sustained continuous basis (i.e., more than 24 hours).

"Design capacity" of a powerplant pursuant to Section 103(a)(18) of FUA, is determined according to 18 CFR 287.101.

Note.—Section 287.101 of Title 18 CFR as issued by the Federal Energy Regulatory Commission (44 FR 38837, July 3, 1979) and as referenced in the definition of "design capacity" is republished in part in the appendix below for the benefit of the public. This appendix will not appear in the CFR.

Appendix

"287.101 Determination of powerplant design capacity.

For the purpose of Section 103 of the Powerplant and Industrial Fuel Use Act of 1978; a powerplant's design capacity shall be determined as follows:

(a) *Steam-electric generating unit.* The design capacity of a steam-electric generating unit shall be the maximum generator nameplate rating measured in kilowatts or, if the nameplate does not have a rating measured in kilowatts, the product of the generator's kilovolt-amperes nameplate rating and power factor nameplate rating.

(b) *Combustion turbine.* The design capacity of a combustion turbine shall be its nameplate rating measured in kilowatts, adjusted for peaking service at an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and at the unit's site elevation.

(c) *Combined cycle unit.* The design capacity of a combined cycle unit shall be the sum of its combustion turbine nameplate rating measured in kilowatts, based on baseload operation adjusted for site elevation, and the maximum generator nameplate rating measured in kilowatts of the steam turbine portion of the unit * * *".

"DOE" or "the Department" means the United States Department of Energy, as defined in sections 201 and 301(a) of the DEOA, including the Secretary of Energy or his designee.

"Duly authorized representative" means a person who is authorized to appear before DOE in connection with a proceeding on behalf of a person interested in or aggrieved by that proceeding. Such appearance may include the submission of applications, petitions, requests, statements, memoranda of law, other documents, or of a personal appearance, oral communication, or any other participation in a proceeding.

"Electric generating unit" does not include:

(1) Any electric generating unit subject to the licensing jurisdiction of the Nuclear Regulatory Commission (NRC); and

(2) Any cogeneration facility from which less than half of the net annual electric power generation is sold or exchanged for resale. [Net electric power sales excludes sales or exchanges among owners of the cogeneration facility.]

Note.—For purposes of subparagraph (1) of this definition, ERA will not consider any unit located at a site subject to NRC's licensing authority to be jurisdictional for purposes of FUA.

"Electric powerplant" means any stationary electric generating unit consisting of (a) a boiler, (b) a gas turbine, or (c) a combined cycle unit which employs a generator to produce electric power for purposes of sale or exchange and has the design capability of consuming any fuel (or mixture thereof) at a fuel heat input rate of 100 million Btu's per hour or greater. In accordance with section 103(a)(7)(C) of FUA, the Secretary has determined that it is appropriate to exclude from this definition any unit which has a design capability to consume any fuel (including any mixture thereof) that does not equal or exceed 100 million Btu's per hour.

"Electric Region" is as defined in § 500.3 of this part.

"Electric utility" means any person, including any affiliate, or Federal agency, which sells electric power.

"Emission offset" means emission reductions as defined by EPA's regulations set forth at 40 CFR Part 51, Appendix S.

"EPA" means the United States Environmental Protection Agency.

"ERA" means the Economic Regulatory Administration of DOE.

"Existing major fuel burning installation" means any installation which is not a new major fuel burning installation.

"Existing powerplant" means any powerplant other than a new powerplant.

"Federal Water Pollution Control Act" means the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, as amended.

"FERC" means the Federal Energy Regulatory Commission.

"Firm" means a parent company and the consolidated or unconsolidated entities (if any) that it directly or indirectly controls.

"Fluidized bed combustion" means combustion of fuel in connection with a bed of inert material, such as limestone or dolomite, that is held in a fluid-like state by the means of air or other gases being passed through such materials.

"FTC" means the Federal Trade Commission.

"FUA" means the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*

"Fuel Use Act" means "FUA".

"Fuel use order" means a directive issued by ERA pursuant to § 501.167 of these regulations.

"Gas turbine" means "combustion turbine".

"High-priority user," for purposes of Subsection 312(j) of FUA, means any residential user of natural gas, or any commercial user whose consumption of natural gas on peak day is less than 50 MCF.

"Installation" means "major fuel burning installation."

"Intermediate load powerplant" means a powerplant (other than a peakload powerplant), the electrical generation of which in kilowatt hours does not exceed for any 12-calendar-month period, such powerplant's design capacity multiplied by 3,500 hours.

"Internal combustion engine" means a heat engine in which the combustion that generates the heat takes place inside the engine proper.

"Interpretation" means a written statement issued by the DOE General Counsel or his delegate, in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the DOE to the particular facts of a prospective or completed act or transaction.

"Major fuel burning installation" means a stationary unit consisting of a

boiler, gas turbine unit, combined cycle unit, or internal combustion engine that has the design capability of consuming any fuel (or mixture thereof) at a fuel heat input rate of 100 million Btu's per hour or greater. In accordance with Section 103(a)(10)(C) of FUA, the Secretary has determined that it is appropriate to exclude from this definition any unit which has a design capability to consume any fuel (including any mixture thereof) that does not equal or exceed 100 million Btu's per hour. This definition does not include:

(i) Any electric powerplant;

(ii) Any pump or compressor used solely in connection with the production, gathering, transmission, storage, or distribution of gases or liquids, but only upon the filing of a written certification of such use with ERA in accordance with procedures specified in §§ 501.7 and 501.11 of the regulations. Such certification must be made only for such pumps and compressors which are driven by units with a design fuel heat input rate of 100 million Btu's per hour or greater and which consume petroleum or natural gas. The following information is required:

(A) Unit size in Btu input;

(B) Equipment function; and

(C) Geographic location of the unit; or

(iii) Steam generators used for crude oil recovery.

Note.—For purposes of clause (2)(ii), also excluded from jurisdiction under the Act is any boiler, combustion turbine, combined cycle unit, or internal combustion engine used to drive pumps and compressors for such purposes, if ninety (90) percent or more of the energy output is used to drive the pumps and compressors.

"Mcf" means 1,000 cubic feet of natural gas.

"MFBI" means a "major fuel burning installation".

"Mixture," when used in relation to fuels used in a unit, means a mixture of petroleum or natural gas and an alternate fuel, or a combination of such fuels, used simultaneously or alternately in such unit.

"Natural gas" means any fuel consisting in whole or in part of natural gas, including components of natural gas such as methane and ethane; liquid petroleum gas; synthetic gas derived from petroleum or natural gas liquids; or any mixture of natural gas and synthetic gas. Natural gas does not include:

(1) Gaseous waste by-products or waste gas specifically designated as an alternate fuel in § 500.2 of these regulations;

(2) Natural gas which is commercially unmarketable, as defined in these rules;

(3) Natural gas produced by the user from a well, the maximum efficient production rate of which is less than 250 million Btu's per day.

For purposes of clause (3) of this definition:

(i) "Produced by the user" means:

(A) All gas produced by the well, when such gas is delivered for use in the user's facility through a gas delivery, gathering, or transportation system which could not deliver such gas to any other user; or

(B) Only that amount which represents the user's net working (mineral) interest in the gas produced from such well, where such gas is delivered for use in the user's facility through a gas delivery, gathering, or transportation system which could deliver such gas to any other user.

(ii) "Maximum efficient production rate" (MEPR) means that rate at which production of natural gas and oil may be sustained without damage to the reservoir or the rate which may be sustained without damage to the ultimate recovery of oil or gas through the well. The MEPR must include the Btu value of any crude oil, gas condensate and natural gas liquids which may be produced from the well, in addition to that of the natural gas.

(4) Occluded methane in coal seams within the meaning of Section 107(c)(3) of the Natural Gas Policy Act of 1978 (NGPA);

(5) The following gas from wells spudded prior to January 1, 1990:

(i) Gas produced from geopressurized brine, within the meaning of Section 107(c)(2) of the NGPA;

(ii) Gas produced from Devonian shale, within the meaning of Section 107(c)(4) of the NGPA;

(iii) Gas produced from tight sands, as designated by the FERC in accordance with Section 107(c)(5) of the NGPA; and

(iv) Other gases designated by FERC as "high-cost natural gas" in accordance with Section 107(c)(5) of the NGPA, except as specifically designated as "natural gas" by ERA;

(6)(i) Synthetic gas derived from coal or other alternate fuel, the heat content of which is less than 600 Btu's per cubic foot at 14.73 pounds per square inch (absolute) and 60 degrees Fahrenheit; and

(ii) Commingled natural gas and synthetic gas derived from coal consumed as part of the necessary process of a major fuel burning installation used in the iron and steel industry, so long as the average annual Btu heat content of the commingled stream as consumed within a major fuel burning installation does not exceed 600 Btu's per cubic foot at 14.73 pounds per square inch (absolute) and 60 degrees Fahrenheit;

(7) Mixtures or natural gas and synthetic gas derived from alternate fuels for which the person proposing to use the gas certifies to ERA that:

(i) He owns, or is entitled to receive at the point of manufacture, synthetic gas derived from alternate fuels;

(ii) He delivers, or arranges for the delivery of such synthetic gas to a pipeline which by transport or displacement is capable of delivering such synthetic gas, mixed with natural gas, to facilities owned by the user;

(iii) The total annual Btu content of the synthetic gas delivered to a pipeline is equal to or greater than the total annual Btu content of the natural gas delivered to the facilities owned by the user, plus the approximate total annual Btu content of any natural gas consumed or lost in transportation; and

(iv) All necessary permits, licenses, or approvals from appropriate Federal, State, and local agencies (including Indian tribes) have been obtained for construction and operation of the facilities for the manufacture of the synthetic gas involved, except that for purposes of the prohibition under Section 201(2) of FUA against powerplants being constructed without the capability of using coal or another alternate fuel, only permits, licenses, and approvals for the construction of such synthetic gas facilities shall be required under this subparagraph, to be certified and documented; and

(8) A mixture of natural gas and an alternate fuel when such mixture is deliberately created for purposes of (i) Complying with a prohibition order issued pursuant to Section 301(c) of the Act, or (ii) Qualifying for a fuel mixtures exemption under the Act, provided such exemption is granted.

"NEPA" means the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*

"New electric powerplant" means any electric powerplant: (1) That was not classified as existing under Part 515 of this subchapter; (2) That was reconstructed, as defined in these rules under the definition of "reconstruction"; or (3) For which construction was begun after November 9, 1978.

"New major fuel burning installation" means any MFBI: (1) That was not classified as existing under Part 515 of this subchapter; (2) That was reconstructed, as defined in these rules under the definition of "reconstuction"; or (3) For which construction begun after November 9, 1978.

"NGPA" means the Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*

"Nonboiler" means any powerplant or MFBI which is not a boiler and consists of either a combustion turbine unit, combined cycle unit, or in the case of an MFBI, an internal combustion engine.

"Notice of violation" means a written statement issued to a person by DOE that states one or more alleged violations of the provisions of these regulations, any order issued pursuant thereto, or the Act.

"Offset" means "emission offset".

"Order" means a final disposition, other than the issuance of a rule, issued by DOE pursuant to these regulations or the Act.

"Peakload powerplant" means a powerplant the electrical generation of which in kilowatt hours does not exceed, for any 12-calendar-month period, such powerplant's design capacity multiplied by 1,500 hours.

"Person" means any:

(1) Individual, corporation, company, partnership, association, firm, institution, society, trust, joint venture, or joint stock company;

(2) Any State; or

(3) Any Federal, State, or local agency or instrumentality (including any municipality) thereof.

"Petroleum" means crude oil and products derived from crude oil, other than:

(1) Petroleum products specifically designated as alternate fuels pursuant to these regulations;

(2) Synthetic gas derived from crude oil;

(3) Liquid petroleum gas;

(4) Petroleum coke or waste gases from industrial operations; and

(5) A liquid, solid, or gaseous waste by-product of refinery operations which is commercially unmarketable under the definition of "commercial unmarketability" in these rules.

Note.—For the purposes of this subparagraph, waste by-proucts do not include components (such as butane and propane) that can be extracted from the waste by-product by reasonable further processing of the waste by-product at the refinery, nor do they include final products that use the waste by-product as a blend stock at the refinery.

"Petition" means a formal request for any action including an exemption submitted to DOE under these regulations.

"Powerplant" means "electric powerplant."

"Product or process requirements" means that product or process for which the use of an alternate fuel is not technically feasible due to the necessity to maintain satisfactory control of product quality and for which the substitution of steam is not technically feasible due to process requirements.

"Primary energy source" means the fuel or fuels used by any existing or new electric powerplant or major fuel burning installation, except:

(1) Minimum amounts of fuel required for unit ignition, startup, testing, flame stabilization, and control uses. ERA has determined that, unless need for a greater amount is demonstrated, twenty-five (25) percent of the total annual Btu heat input of a unit shall be automatically excluded under this paragraph.

(2) Minimum amounts of fuel required to alleviate or prevent:

(i) Unanticipated equipment outages as defined in § 501.191 of these regulations; and

(ii) Emergencies directly affecting the public health, safety, or welfare that would result from electric power outages as defined in § 501.191 of these regulations.

Note.—(1) Any fuel excluded under the provisions of subparagraph (1) of this defintion is in addition to any fuel authorized to be used in any order granting a fuel mixtures exemption under Parts 503 and 504 of these rules. The exclusion of fuel under subparagraph 1, together with the authority for such additive treatment, shall apply to any jurisdictional facility, regardless of whether or not it had received an order granting an exemption as of the date these rules are promulgated.

(2) If an auxiliary unit to an electric powerplant consumes fuel only for the auxiliary functions of unit ignition, startup, testing, flame stabilization, and other control uses, its use of minimum amounts of natural gas or petroleum is not prohibited by FUA, even though the unit is an MFBI. The measurement of such minimum amounts of fuel is discussed in *Associated Electric Cooperative*, et al., Interpretation 1980–42 (45 FR 82572 (December 15, 1980)).

"Prohibition order" means:

(1) An order issued pursuant to Sections 202(b), 301 (b) and (c), 302 (a) and (b), and 401 of the Act that prohibits a powerplant or major fuel burning installation or a boiler used for space heating purposes from burning natural gas or petroleum as its primary energy source; or

(2) An order issued pursuant to Sections 301(c) and 302(b) of the Act that prohibits excessive use of natural gas or petroleum in mixtures burned by a powerplant or major fuel burning installation as its primary energy source.

"Rated capacity", for the purpose of determining reduction in the rated capacity of an existing powerplant or MFBI, means design capacity, or, at the election of the facility owner or operator, the actual maximum sustained energy output per unit of time that could be produced, measured in either (1) useful heat output per unit of time expressed in Btu's, pounds of steam, or other appropriate measure; or (2) power output, expressed in kilowatts, per unit of time.

"Reconstruction" means the following:

(1) Except as provided in subparagraph 2 of this definition, reconstruction shall be found to have taken place whenever the capital expenditures for refurbishment or modification of an electric powerplant (as defined by FERC) or an MFBI, on a cumulative basis for the current calendar year and preceding two (2) calendar years are equal to or greater than fifty (50) percent of the capital costs of an equivalent replacement unit of the same capacity, capable of burning the same fuels.

(2) Notwithstanding subparagraph (1) of this definition, reconstruction shall not be found to have taken place whenever refurbishment or modification of the unit (A) Does not result in increased remaining useful life, or an increase in total annual fuel consumption; and (B) Is undertaken solely for the purpose of increasing fuel burning efficiency of the unit.

(3) The capital costs of reconstruction shall include, for powerplants, expenditures for items capitalized (*i.e.*, not expensed) according to the Federal Energy Regulatory Commission Uniform System of Accounts; and, for MFBI's, only expenditures for items capitalized (*i.e.*, not expensed) according to Internal Revenue Service standards. In computing such capital costs, ERA will accept good-faith estimates of the reasonably anticipated capital costs associated with refurbishment or modification of a unit.

(4) In assessing whether reconstruction of a unit has taken place, the following expenditures shall not be included:

(i) Routine operation and maintenance expenditures;

(ii) Expenditures made for pollution control equipment;

(iii) Expenditures made for providing the capability to use an available alternate fuel; and

(iv) Expenses related directly to movement of the unit.

"Refinery operation," as the term is used in these regulations, means an operation which separates or converts crude oil as its primary feedstock into unfinished, semirefined or refined products. For the purposes of this definition, the term "crude oil" means a mixture of hydrocarbons, including

lease condensate, which exists in a liquid state or as an amorphous solid in underground reservoirs.

"Resource Conservation and Recovery Act of 1976" means the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*

"SIP" means State Implementation Plan pursuant to Section 10 of the Clean Air Act.

"Site limitation," when used with respect to any powerplant or installation, means a specific physical limitation associated with a particular site that relates to the use of an alternate fuel as a primary energy source for the powerplant or installation, such as:

(1) Inaccessibility to alternate fuels;

(2) Lack of transportation facilities for alternate fuels;

(3) Lack of adequate land or facilities for the handling, use, and storage of alternate fuels;

(4) Lack of adequate land or facilities for the control or disposal of wastes from such powerplant or installation, including lack of land for pollution control equipment or devices necessary to assure compliance with applicable environmental requirements; and

(5) Lack of an adequate and reliable supply of water, including water for use in compliance with applicable environmental requirements.

"Solid Waste Disposal Act" means the Solid Waste Disposal Act, 42 U.S.C. 6901 *et seq.*, as amended.

"State regulatory authority" means any State agency that acts as ratemaking or power supply authority with respect to the sale of electricity by any State regulated electric utility.

"Synthetic fuel" means any fuel derived from an alternate fuel and does not include any fuels derived from petroleum or natural gas.

"Wetlands areas" means, for purposes of Section 103(a)(12) of the Act, those geographical areas designated as wetlands areas by State or local environmental regulatory authorities, or in the absence of any such geographic designation, those areas that are inundated by surface or ground water with frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetation or aquatic life that requires saturated, seasonably saturated, or tidally saturated soil conditions for growth or reproduction.

§ 500.3 Electric regions—electric region groupings for reliability measurements under the Powerplant and Industrial Fuel Use Act of 1978

(a) The following is a list of electric regions for use with regard to the Act. The regions are identified by FERC Power Supply Areas (PSA's) as authorized by section 202(a) of the Federal Power Act except where noted. They will be reviewed annually by ERA. Each grouping meets one or more of the following criteria:

(1) Existing centrally dispatched pools and hourly power brokers;

(2) Systems with joint planning and construction agreements;

(3) Systems with coordination agreements in the areas of:

(i) Generation reserve and system reliability criteria;

(ii) Capacity and energy exchange policies;

(iii) Maintenance scheduling; and

(iv) Emergency procedures for dealing with capacity or fuel shortages; or

(4) Systems within the same National Electric Reliability Council (NERC) region with historical coordination policies.

(b) The PSA's referred to in the definition of electric regions in paragraph (a) of this section were first defined by the Federal Power Commission in 1936. The most recent reference to them is given in the *1970 National Power Survey*, Vol. 1, Pg. 1–3–16. In cases where a petitioner finds an ambiguity in a regional assignment, he shall consult with DOE for an official determination.

Electric Region Groupings and FERC PSA's:

1. Allegheny Power System (APS)—7, except Duquesne Light Company.

2. American Electric Power System (AEP)—entire AEP System.

3. New England Planning Pool (NEPOOL)—1, 2.

4. New York Planning Pool (NYPP)—3, 4.

5. Pennsylvania—New Jersey—Maryland interconnection (PJM)—5, 6.

6. Commonwealth Edison Company—14.

7. Florida Coordination Group (FCG)—24.

8. Middle South Utilities—25.

9. Southern Company—22, 23.

10. Gulf States Group—35.

11. Tennessee Valley Authority (TVA)—20.

12. Virginia—Carolina Group (VACAR)—18, 21.

13. Central Area Power Coordination Group (CAPCO)—Cleveland Electric Illuminating Company, Toledo Edison Company, Ohio Edison Company, Duquesne Light Company.

14. Cincinnati, Columbus, Dayton Group (CCD)—Cincinnati Gas and Electric Company, Columbus and Southern Ohio Electric Company, Dayton Power and Light Company.

15. Kentucky Group—19.

16. Indiana Group—Indiana Utilities except AEP.

17. Illinois—Missouri Group (ILLMO)—15, 40.

18. Michigan Electric Coordinated Systems (MECS)—11.

19. Wisconsin—Upper Michigan Group (WUMS)—13.

20. Mid-Continent Area Power Pool (MAAP)—16, 17, 26, 27, 28.

21. Missouri—Kansas Group (MOKAN)—24, 29.

22. Oklahoma Group—33, 36.

23. Texas Interconnected Systems (TIS)—37, 38.

24. Rocky Mountain Power Pool (RMPP)—31, 32.

25. Northwest Power Pool (NWPP)—30, 42, 43, 44, 45.

26. Arizona—New Mexico Group—39, 48 within Arizona, in Nevada and California.

27. Southern California—Nevada—47, 48.

28. Northern California—Nevada—48.

29. Alaska (non-interconnected systems to be considered separately)—49.

30. Idaho—Utah Group—41.

2. Part 501 is revised to read as follows:

PART 501—ADMINISTRATIVE PROCEDURES AND SANCTIONS

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501.51 Prohibitions by order—existing facilities.
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501.53 Prohibitions by rule—existing powerplants. [Reserved]
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501.63 Notice of the commencement of an administrative proceeding on an exemption petition.
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501.160 Purpose and scope.
501.161 Filing a complaint.
501.162 Contents of a complaint.
501.163 ERA evaluation.
501.164 Decision to initiate enforcement proceedings.
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Subpart L—Investigations, Violations, Sanctions and Judicial Actions

501.180 Investigations.
501.181 Sanctions.
501.182 Injunctions.
501.183 Citizens suits.

Subpart M—Use of Natural Gas or Petroleum for Emergency and Unanticipated Equipment Outage Purposes

501.190 Purpose and scope.
501.191 Use of natural gas or petroleum for certain unanticipated equipment outages and emergencies defined in section 103(a)(15)(B) of the Act.
501.192 Use of natural gas or petroleum during a temporary emergency condition pursuant to section 404(g) of the Act.

Authority: Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); E.O. 12009, 42 FR 46267.

PART 501—ADMINISTRATIVE PROCEDURES AND SANCTIONS

Subpart A—General Provisions

§ 501.1 Purpose and scope.

Part 501 establishes the procedures to be used in proceedings before DOE under Parts 500–508 of this chapter except as otherwise provided.

§ 501.2 Prepetition conference.

(a) Owners and operators of powerplants and MFBI's may request a prepetition conference with ERA for the purpose of discussing the applicability of 10 CFR Parts 503 and 504 to their situations and the scope of any exemption or other petition that ERA would accept as adequate for filing purposes.

(b) The owner or operator who requests a prepetition conference may personally represent himself or may designate a representative to appear on his behalf. A prepetition conference or a request for a prepetition conference does not commence a proceeding before ERA.

(c) If ERA agrees to waive any filing requirements under § 501.3(d), a memorandum of record stating this fact will be furnished to the potential petitioner within thirty (30) days after the conference. Copies of all applicable memoranda of record must be attached to any subsequently-filed petition.

(d) A record of all prepetition conferences will be included in the public file. ERA may provide for the taking of a formal transcript of the conference and the transcript will be included in the public file.

§ 501.3 Petitions.

(a) *Filing of petitions.* Petitions for exemptions are to be filed with ERA at the address given in § 501.11.

(b) *Acceptance of petition.* (1) Upon acceptance (as distinguished from filing) of the petition, ERA shall publish in the Federal Register a Notice of Acceptance of Petition or, in the case of an exemption by certification, a Notice of Acceptance and Availability of Certification, signifying that an exemption proceeding has commenced.

(2) ERA will notify each petitioner in writing within thirty (30) days of receipt of the petition that it has been accepted or rejected and, if rejected, the reasons therefor.

(3) A petition, including supporting documents, will be accepted if the information contained appears to be sufficient to support an ERA determination. Additional information may be requested during the course of the proceeding, and failure to respond to such a request may ultimately result in denial of the requested exemption.

(4) Acceptance of petition does not constitute a determination that the requested exemption will be granted.

(c) *Rejection of petition.* (1) ERA will reject a petition if it does not meet the information of certification requirements established for the relevant exemptions under Parts 503 and 504 of this chapter. A written explanation of the reasons for rejection will be furnished with notification of the rejection.

(2) A timely-filed petition rejected as inadequate will not be rendered untimely if resubmitted in amended form within ninety (90) days of the date of rejection.

(3) ERA will, within thirty (30) days of receipt of a petition that is found to be incomplete due to minor deficiencies, notify the petitioner of the deficiencies and allow ninety (90) days from the date of notification to cure the specified deficiencies. The failure to cure the deficiencies during this time may result in denial of the requested exemption.

(d) *Waiver of filing requirements.* Upon its own motion or at the request of a petitioner, ERA may waive some or all of the regulatory requirements if the purposes of FUA would be best achieved by doing so.

§ 501.4 [Reserved]

§ 501.5 [Reserved]

§501.6 Service.

(a) DOE will serve all orders, notices, interpretations or other documents that it is required to serve, personally or by certified mail, unless otherwise provided in these regulations.

(b) DOE will consider service upon a petitioner's duly authorized representative to be service upon the petitioner.

(c) Service by certified mail is effective upon mailing. ERA will consider official United States postal receipts from certified mailing as prima facie evidence of service.

§ 501.7 General filing requirements.

Except as indicated otherwise, all documents required or permitted to be filed with ERA or DOE in connection with a proceeding under Parts 503 and

504 shall be filed in accordance with the following provisions:

(a) *Filing of documents.* (1) Documents including, but not limited to, applications, requests, complaints, petitions (including petitions for exemption), and other documents submitted in connection therewith, filed with ERA are considered to be filed upon receipt.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, an application for modification or rescission in accordance with Subpart G of this part, a reply to a notice of violation, a response to a denial of a claim of confidentiality, or a comment submitted in connection with any proceeding transmitted by registered or certified mail and addressed to the appropriate office is considered to be filed upon mailing.

(3) *Timeliness.* Documents are to be filed with the appropriate DOE or ERA office listed in § 501.11. Documents that are to be considered filed upon receipt under paragraph (a)(1) of this section and that are received after regular business hours are deemed filed on the next regular business day. Regular business hours are 8 a.m. to 4:30 p.m.

(4) *Computation of time.* In computing any period of time prescribed or allowed by FUA, these regulations or by an order, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday in which event the period runs until the end of the next day that is neither a Saturday, Sunday, nor a Federal legal holiday.

(5) *Additional time after service by mail.* Whenever a person is required to perform an act, to cease and desist therefrom, or to initiate a proceeding under this Part within a prescribed period of time and the order, notice, interpretation or other document is served by mail, three (3) days shall be added to the prescribed period.

(6) *Extension of time.* When a document is required to be filed within a prescribed time, an extension of time to file may be granted upon good cause shown.

(7) *Signing.* All applications, petitions, requests, comments, and other documents that are required to be signed, shall be signed by the person filing the document or a duly authorized representative. Any application, petition, request, complaint, or other document filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless an ERA form otherwise requires. (A false certification is unlawful under the provisions of 18 U.S.C. 1001 (1970).)

(8) *Labeling.* An application, petition, or other request for action by DOE or ERA should be clearly labeled according to the nature of the action involved, e.g., "Petition for Temporary Exemption;" "Petition for Extension (or Renewal) of Temporary Exemption," both on the document and on the outside of the envelope in which the document is transmitted.

(9) *Obligation to supply information.* A person who files an application, petition, complaint, or other request for action is under a continuing obligation during the proceeding to provide DOE or ERA with any new or newly discovered information that is relevant to that proceeding. Such information includes, but is not limited to, information regarding any other application, petition, complaint, or request for action that is subsequently filed by that person with any DOE office or ERA office.

(10) *The same or related matters.* In filing a petition or other document requesting ERA action, the person must state whether, to the best of his knowledge, the same or a related issue, act or transaction has been or presently is being considered or investigated by a DOE office, other Federal agency, department or instrumentality, or a State or municipal agency.

(11) *Request for confidential treatment.* (i) If any person filing a document with DOE or ERA claims that some or all of the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552); is information referred to in 18 U.S.C. 1905; or is otherwise exempt by law from public disclosure, and if such person requests DOE or ERA not to disclose such information, such person shall make a filing in accordance with paragraph (b)(2) of this section. The person shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which confidential treatment is claimed. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information, such person shall include a statement specifying why such information is privileged or confidential. If a document is not so filed, ERA may assume that there is no objection to public disclosure of the document in its entirety, unless the person subsequently files a claim of confidentiality prior to public disclosure of the document.

(ii) DOE or ERA retains the right to make its own determination with regard to any claim of confidentiality. Notice of the decision by DOE or ERA to deny such claim, in whole or in part, and an opportunity to respond or take other appropriate action to avoid release shall be given to a person claiming confidentiality of information no less than seven (7) days prior to its public disclosure.

(iii) The above provisions in paragraphs (a)(11) (i) and (ii) of this section do not apply to information submitted on ERA forms that contain their own instructions concerning the treatment of confidential information.

(12) *Request for classification of fuel as commercially unmarketable.*

Note.—The standards for determining the commercial unmarketability of a liquid, solid or gaseous waste by-product, and, in certain cases, natural gas under FUA are set forth under the definition of "commercial unmarketability" in Part 500 of these rules.

(i) *Filing of request.* The owner or operator of a powerplant or installation may file a request for classification of a fuel as commercially unmarketable at the address provided in § 501.11.

(ii) *Contents of request.* A request for classification of a fuel as commercially unmarketable pursuant to the definition of "commercial unmarketability," and the definitions of "alternate fuel," "natural gas," and "petroleum," contained in Part 500 should include a duly executed certification containing the following:

(A) Name of requester.

(B) Identification and location of unit in which the fuel is proposed to be burned.

(C) The calculations made concerning the costs and revenues involved in assessing the commercial marketability of the fuel and the methodology used to make the calculations, including an explanation of the numbers used; and

(D) The name, address, and telephone number of the person who can supply additional information.

(iii) *Decision on request.* ERA will acknowledge receipt of a request and will render a decision within 60 days of the date of the acknowledgement.

(13) *Separate applications, petitions or requests.* Each application, petition, or request for DOE or ERA action shall be submitted as a separate document, even if the applications, petitions, or requests deal with the same or a related issue, act, or transaction, or are submitted in connection with the same proceeding.

(b) *Number of documents to be filed.* (1) A petitioner must file an executed original and fourteen (14) copies of all documents submitted to ERA.

(2) Where the petitioner requests confidential treatment of some or all of the information submitted, an original and eleven (11) copies of the confidential document and three (3) copies of the document with confidential material deleted must be filed.

§ 501.8 [Reserved]

§ 501.9 Effective date of orders or rules.

When ERA issues a rule or order imposing a prohibition or granting an exemption (or permit) under FUA, the rule or order will be effective sixty (60) calendar days after publication in the **Federal Register**, unless it is stayed, modified, suspended or rescinded.

§ 501.10 Order of precedence.

If there is any conflict or inconsistency between the provisions of this Part and any other provisions or parts of this chapter, except for general procedures which are unique to Parts 508 and 515 of this chapter, the provisions of this part will control with respect to procedure.

§ 501.11 Address for filing documents.

(a)(1) Send all petitions, forms, written communications, or other documents not included in paragraph (a)(2) of this section to the following address: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 6114, 2000 M Street, NW., Washington, D.C. 20461.

(2) Send all requests for interpretations and interpretive rulings to the following address: Assistant General Counsel for Interpretations and Rulings, 1000 Independence Avenue, SW., Forrestal Building, Washington, D.C. 20585.

(b) The DOE National Office has facilities for the receipt of transmission via TWX and FAX to its offices at 1000 Independence Avenue, SW., (Forrestal) and 2000 M Street, NW. (The FAX machines are 3M full duplex 4 or 6 minute (automatic)). For purposes of these regulations, all transmissions should be to the facilities at 2000 M Street, NW., except those to be sent to the Office of General Counsel, which should be transmitted to the facilities located at the Forrestal Building.

FAX Numbers:
(202) 252-5100 (3M) (Forrestal).
(202) 653-3613 (3M) (2000 M St.)
TWX Numbers:
(710) 822-0176 (Forrestal).
(710) 822-9454 (2000 M St.).

§ 501.12 ERA public information office.

DOE will make available at Room B-110, 2000 M Street, NW., Washington, D.C., for public inspection and copying:

(a) Each rule, order or other administrative determination that is issued as a final agency action on a matter before ERA;

(b) Any written comments received from interested persons in connection with issuance of a rule, order or other determination, modifications or rescissions or stays of rules, or determinations, and verbatim transcripts of any oral comments made at public hearings, or at prepetition conferences where a transcript was made;

(c) Any comments received during any rulemaking proceeding and a verbatim transcript of any public hearings that may have been held in any rulemaking proceeding; and

(d) Any other information required by statute to be made available for public inspection and copying, and any information that ERA determines should be made available to the public.

§ 501.13 Appeal.

There is no administrative appeal of any final administrative action to which this part applies.

§ 501.14 Notice to Environmental Protection Agency and the Federal Trade Commission.

(a) A copy of any proposed rule or order that imposes a prohibition, or a petition for an exemption or permit, shall be transmitted for comments, if any, to the Administrator and the appropriate Regional Administrator of the Environmental Protection Agency (EPA). The Administrator of EPA shall be given the same opportunity to comment and question as is given other interested persons.

(b) A copy of any proposed rule or order which imposes a prohibition with respect to an MFBI, or a petition by an MFBI for an exemption or permit, shall be transmitted for comments, if any, to the Federal Trade Commission. The Federal Trade Commission shall be given the same opportunity to comment and question as is given other interested persons.

SUBPART B—[RESERVED]

SUBPART C—WRITTEN COMMENTS, PUBLIC HEARINGS AND CONFERENCES DURING ADMINISTRATIVE PROCEEDINGS

§ 501.30 Purpose and scope.

This subpart establishes the procedures for requests for and the conduct of public hearings; for submission of written comments; and for requests for and conduct of conferences pursuant to an administrative proceeding before ERA. Hearings shall be convened at the request of any interested person, in accordance with Section 701(d) of FUA, and shall be held at a time and place to be decided by the Presiding Officer.

§ 501.31 Written comments.

(a) *New facilities.* Except as may be provided elsewhere in these regulations, ERA shall provide a period of at least forty-five (45) days, commencing with publication of the Notice of Acceptance of Petition, or in the case of certification exemptions, Notice of Acceptance and Availability of Certification, in the **Federal Register** in accordance with § 501.63(a), for submission of written comments concerning a petition for an exemption. In accordance with § 501.64, ERA also shall provide a period of at least fourteen (14) days for submission of written comments concerning a Tentative Staff Analysis commencing with publication of the Notice of Availability of Tentative Staff Analysis in the **Federal Register**. The period may be extended by ERA in accordance with § 501.7(a)(16). Written comments shall be filed in accordance with § 501.7.

(b) *Existing facilities.* Except as may be provided elsewhere in these regulations, ERA shall provide a period of at least 45 days for submission of written comments concerning a proposed prohibition rule or order or a petition for an exemption or permit. This period shall commence in the case of a petition for an exemption on the day after publication of the Notice of Acceptance in the **Federal Register** in accordance with § 501.63(a). In the case of a proposed prohibition rule or order, ERA shall also provide for a period of at least 45 days for submission of written comments concerning a Tentative Staff Analysis. This period shall commence on the day after publication of the Notice of Availability of the Tentative Staff Analysis in the **Federal Register**. The period may be extended by ERA in accordance with § 501.7. See § 501.51(b) of this part with respect to the comment periods applicable to prohibitions by order to existing facilities and the extension of such comment periods. Written comments shall be filed in accordance with § 501.7.

§ 501.32 Conferences (other than prepetition conferences).

(a) At any time following commencement of a proceeding before ERA, an interested person may request a conference with the staff of ERA to

discuss a petition, permit or any other issue pending before ERA. The request for a conference should generally be in writing and should indicate the subjects to be covered and should describe the requester's interest in the proceeding. Conferences held after the commencement of an administrative proceeding before ERA shall be convened at the discretion of ERA or the Presiding Officer.

(b) When ERA convenes a conference in accordance with this section, any person invited may present views as to the issue or issues involved. Documentary evidence may be submitted at the conference and such evidence, to the extent that it is not deemed to be confidential, will be included in the administrative record. ERA will not normally have a transcript of the conference prepared but may do so at its discretion.

(c) Because a conference is solely for the exchange of views incident to a proceeding, there will be no formal report or findings by ERA unless ERA in its discretion determines that the preparation of a report or findings would be advisable. ERA will, however, place in the public file a record of any conference.

§ 501.33 Request for a public hearing.

(a) *New facilities.* In the case of a petition for an exemption under Title II of FUA, any interested person may submit a written request that ERA convene a public hearing in accordance with Section 701 of FUA—

(1) No later than fourteen (14) days after the publication of a Notice of Availability of Tentative Staff Analysis; or

(2) In the case of a certification exemption, no later than forty-five (45) days after publication of the Notice of Acceptance and Availability of Certification.

These time periods may be extended at the discretion of ERA.

(b) *Existing facilities.* In the case of a petition for an exemption from a prohibition imposed either by the Act or by a final rule or order issued by ERA to an existing facility under Title III of FUA, or a petition for an exemption or permit, if applicable, any interested person may submit a written request that ERA convene a public hearing in accordance with Section 701 of FUA within forty-five (45) days after the notice of the filing of a petition is published in the **Federal Register**. In the case of a proposed prohibition rule or order, the forty-five (45) day period in which to request a public hearing shall commence upon the publication of the Notice of Availability of the Tentative Staff Analysis. This time limit may be extended at the discretion of ERA.

(c) *Contents of request.* A request for a public hearing must be in writing and must include a description of the requesting party's interest in the proceeding and a statement of the issues involved. The request should, to the extent possible, identify any witnesses that are to be called, summarize the anticipated testimony to be given at the hearing, and outline questions that are to be posed.

§ 501.34 Public hearing.

(a) A public hearing under this subsection is for the purpose of insuring that all issues are fully and properly developed, but is not a formal adjudicatory hearing subject to the provisions of 5 U.S.C. 554 and 556.

(b) *Opportunity to be heard at a public hearing.* (1) Any interested person, may request, and ERA will provide, an opportunity to present oral or written data, views and arguments at a public hearing on any proposed prohibition rule or order, or on any petition for an exemption or permit. An interested person may file a request to be listed as a party to a hearing on the service list prepared by the Presiding Officer pursuant to § 501.34(d) of this part.

(2) Participants at the public hearing will have an opportunity to present oral or written data, views and arguments.

(3) A request for a public hearing may be withdrawn by the requestor at any time. If other persons have requested to participate as parties in the public hearing, ERA may cancel the hearing only if all parties agree to cancellation. ERA will give notice, whenever possible, in the **Federal Register** of the cancellation of any hearings for which there has been prior notice.

(c) *Presiding Officer.* ERA will appoint a Presiding Officer to conduct the public hearing.

(d) *Powers of the Presiding Officer.* The Presiding Officer is responsible for orderly conduct of the hearing and for certification of the record of the public hearing. The Presiding Officer will not prepare any recommended findings, conclusions, or any other recommendations for disposition of a particular case, except those of a procedural nature. The Presiding Officer has, but is not limited to the following powers:

(1) Administer oaths, affirmations and protective orders;

(2) Issue administrative subpoenas and rule on motions to modify or withdraw subpoenas that he has issued;

(3) Rule on questions as to relevance and materiality of evidence;

(4) Regulate the course of the public hearing;

(5) Hold conferences for the simplification of issues by consent of the parties;

(6) Require submission of evidence in writing where appropriate;

(7) Establish service lists;

(8) Dispose of procedural requests and similar matters; and

(9) Take other actions authorized by these rules.

The Presiding Officer may also limit the number of witnesses to be presented by any party and may impose reasonable time limits for testimony. The Presiding Officer shall establish and maintain a service list that contains the names and addresses of all parties to the ERA proceeding. At the time the Presiding Officer certifies the record, he will provide the staff of ERA with an index of the issues addressed in the record.

(e) *Notice.* ERA will convene a public hearing only after publishing a notice in the **Federal Register** that states the time, place and nature of the public hearing.

(f) *Opportunity to question at the public hearing.* At any public hearing requested pursuant to paragraph (b) of this section, with respect to disputed issues of material fact, ERA will provide any interested person an opportunity to question:

(1) Other interested persons who make oral presentations;

(2) Employees and contractors of the United States who have made written or oral presentations or who have participated in the development of the proposed rule or order or in the consideration of the petition for an exemption or permit; and

(3) Experts and consultants who have provided information to any person who makes an oral presentation and which is contained in or referred to in such presentation.

(g) ERA encourages persons who wish to question Government witnesses to submit their questions at least ten (10) days in advance of the hearing.

(h) The Presiding Officer will allow questions by any interested person to be asked of those making presentations or submitting information, data, analyses or views at the hearing. The Presiding Officer may restrict questioning if he determines that such questioning is duplicative or is not likely to result in a timely and effective resolution of issues pending in the administrative proceeding for which the hearing is being conducted.

(i) The Presiding Officer or ERA may exercise discretion to control a hearing by denying, temporarily or permanently, the privilege of participating in a particular ERA hearing if ERA finds, for example, that a person:

(1) Has knowingly made false or misleading statements, either orally or in writing;

(2) Has knowingly filed false affidavits or other writings;

(3) Lacks the specific authority to represent the person seeking an ERA action; or

(4) Has disrupted or is disrupting a hearing.

(j) *Evidence.* (1) The Presiding Officer is responsible for orderly submission of information, data, materials, views or other evidence into the record of the public hearing. The Presiding Officer may exclude any evidence that is irrelevant, immaterial or unduly repetitious. Judicial rules of evidence do not apply.

(2) Documentary material must be of a size consistent with ease of handling, transportation and filing, and a reasonable number of copies should be made available at the public hearing for the use of interested persons. An original and fourteen (14) copies shall be furnished to the Presiding Officer and one copy to each party listed on the service list. Large exhibits that are used during the hearing must be provided on no larger than 11½"x14" legal size paper if they are to be submitted into the hearing record.

(k) *Hearing record.* ERA will have a verbatim transcript made of the public hearing. The hearing record shall remain open for a period of fourteen (14) days following the public hearing, unless extended by ERA, during which time the participants at the hearing may submit additional written statements which will be made part of the administrative record and will be served by the Presiding Officer upon those parties listed on the service list. ERA may also request additional information, data or analysis following the hearing in order to resolve disputed issues in the record. If ERA receives or obtains any relevant information or evidence that is placed in the record after the close of the public hearing or comment period, it will so notify all participants, and allow an additional fourteen (14) days for submission of evidence in rebuttal. In addition, ERA may, in its discretion, re-open the hearing at the request of a party or participant, to permit further rebuttal of evidence or statements submitted to ERA and made part of the hearing record after the close of the hearing. The transcript, together with any written comments submitted in the course of the proceeding, will be made part of the record available for public inspection and copying at the ERA Public Information Office, as provided in § 501.12.

§ 501.35 Public file.

(a) *Contents.* The public file shall consist of the rule, order, or petition, with supporting data and supplemental information, and all data and information submitted by interested persons. Materials which are claimed by any party to be exempt from public disclosure under the Freedom of Information Act (5 U.S.C. 552) shall be excised from the public file provided ERA has made a determination that the material is confidential in accordance with § 501.7(a)(11) of this part.

(b) *Availability.* The public file shall be available for inspection at Room B-110, 2000 M Street, NW., Washington, D.C. Photocopies may be made available, on request. The charge for such copies shall be made in accordance with a written schedule.

Subpart D—Subpoenas, Special Report Orders, Oaths and Witnesses

§ 501.40 Issuance.

(a) *Authority.* As authorized by Section 711 of FUA and Section 645 of the DEOA, the Administrator, his duly authorized agent or a Presiding Officer may, in accordance with 10 CFR 205.8, sign, issue, and serve subpoenas; issue special report orders (SRO); administer oaths and affirmations; take sworn testimony, compel attendace of and sequester witnesses; control the dissemination of any record of testimony taken pursuant to this section; and subpoena and reproduce books, papers, correspondence, memoranda, contracts, agreements, or other relevant records of tangible evidence including, but not limited to, information retained in computerized or other automated systems in the possession of the subpoenaed person.

(b) *Petition to withdraw or modify.* Prior to the time specified for compliance in the subpoena or SRO, the person to whom the subpoena or SRO is directed may apply for its withdrawal or modification as provided in 10 CFR 205.8, except that if the subpoena or SRO is issued by a duly appointed Presiding Officer, the request to withdraw or modify must be addressed to that Presiding Officer, and its grant or denial will be decided by him.

§ 501.41 [Reserved]

Subpart E—Prohibition Rules and Orders

§ 501.50 [Reserved]

§ 501.51 Prohibitions by order—existing facilities.

(a) ERA may prohibit by order the use of petroleum or natural gas as a primary energy source or in amounts in excess of the minimum amount necessary to maintain reliability of operation consistent with reasonable fuel efficiency in an existing facility if:

(1) That facility has not been identified as a member of a category subject to a final prohibition rule at the time of the issuance of such order;

(2) The requirements of § 504.6 have been met;

(3) The owner or operator of the facility has not demonstrated that an exemption would have been granted to the facility if the prohibition had been established by rule. If the facility would have been granted a temporary exemption, however, ERA may issue a final order which will take effect at such time as the temporary exemption would have terminated; and

(4) In any case in which an order is not issued by reason of paragraph (a)(3) of this section, or in which the effective date of such order is delayed under such paragraph, ERA shall take such steps as may be necessary to assure the facility involved complies with the same requirements (including provisions of Section 314(a) of FUA) as would have been applicable if an exemption had been granted based upon the grounds for which the order is not issued or the effective date is delayed.

(b) *Notice of order and public participation.* (1) ERA may hold a conference with the proposed order recipient prior to issuing the proposed order.

(2) Pursuant to Section 701 of FUA, prior to the issuance of a final order to an existing facility, ERA shall publish a proposed order in the Federal Register, together with a statement of the reasons for the order. In the case of a proposed order that would prohibit the use of petroleum or natural gas as a primary energy source, the finding required by Section 301(b)(1) of the Act in the case of a powerplant or the finding required by Section 302(a)(1) of the Act in the case of an installation shall be published with such proposed order.

(3) ERA shall provide a period for the submission of written comments of at least three (3) months after the date of the proposed order. During this period, the recipient of the proposed order and

any other interested person must submit any evidence that they have available at that time relating to each of the findings that ERA is required to make under Section 301(b) of the Act in the case of a powerplant or the findings required by Section 302(a) of the Act in the case of an installation. A proposed order recipient may submit additional new evidence at any time prior to the close of the public comment period which follows publication of the Tentative Staff Analysis or prior to the close of the record of any public hearing, whichever occurs later. A request by the proposed order recipient for an extension of the three month time period may be granted at ERA's discretion.

(4) Subsequent to the end of the comment period, ERA will issue a notice of whether ERA intends to proceed with the prohibition order proceeding.

(5) An owner or operator of a facility that may be subject to an order may demonstrate prior to issuance of a final prohibition order that the facility would qualify for an exemption if the prohibition had been established by rule. ERA will not delay the issuance of a final prohibition order or stay the effective date of such an order for the purpose of determining whether a proposed order recipient qualifies for a particular exemption unless the demonstration or qualification is submitted prior to or during the second three-month comment period, commencing after issuance of a notice of intention to proceed, or unless materials submitted after the period (i) could not have been submitted during the period through the exercise of due diligence, (ii) address material changes in fact or law occurring after the close of the period, or (iii) consist of amplification or rebuttal occasioned by the subsequent course of the proceeding. A request by the proposed order recipient for an extension of this time period may be granted at ERA's discretion.

(6) Subsequent to the end of the second three (3) month period, ERA will, if it intends to issue a final prohibition order, prepare and issue a Notice of Availability of a Tentative Staff Analysis. Interested persons wishing a hearing must request a hearing within forty-five (45) day after issuance of the Notice of Availability of the Tentative Staff Analysis. During this forty-five (45) days period, interested persons may also submit written comments on the Tentative Staff Analysis.

(7) If a hearing has been requested, ERA shall provide interested persons with an opportunity to present oral data, views and arguments at a public hearing held in accordance with Subpart C of this part. The hearing will consider the findings which ERA must make in order to issue a final prohibition order and any exemption for which the proposed order recipient submitted its demonstration in accordance with paragraph (b)(5) of this section.

(8) Upon request by the receipient of the proposed prohibition order, the combined public comment periods provided for in this section may be reduced to a minimum of forty-five (45) days from the time of publication of the proposed order.

(9) ERA may terminate a prohibition order proceeding at any time prior to the date upon which a final order shall become effective. Should ERA terminate the proceeding, it will notify the proposed order recipient, and publish a notice in the **Federal Register**.

(c) *Decision to issue a final order.* (1) ERA will base its determination to issue an order on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with reliable, probative and substantial evidence.

(2) ERA shall include in the final order a written statement of the pertinent facts, a statement of the basis upon which the final order is issued, a recitation of the conclusions regarding the required findings and qualifications for exemptions. The final order shall state the effective date of the prohibition contained therein. If it is demonstrated that the facility would have been granted a temporary exemption, the effective date of the prohibition contained in the final order shall be delayed until such time as the temporary exemption would have terminated. If it is demonstrated that a facility will need a period of time to comply with the final order, the effective date of the prohibition contained in the final order may be delayed, in ERA's discretion, so as to allow an order recipient to comply with the final order.

(3) ERA will enclose with a copy of the final order, where appropriate, a schedule of steps that should be taken by a stated date (a compliance schedule) to ensure that the affected facility will be able to comply with the prohibitions stated in the order by the effective date of the prohibition contained in the final order. The compliance schedule may require the affected person to take steps with regard to a unit 60 days after service of the final order.

(4) A copy of the final order and a summary of the basis therefore will be published in the **Federal Register**. The order will become effective 60 days after publication in the **Federal Register**.

(d) *Request for order.* (1) A proceeding for issuance of a prohibition order to a specific unit may be commenced by ERA, in its sole discretion, in response to a request for an order filed by the owner or operator of a facility.

(2) A petition requesting ERA to commence a prohibition order proceeding should include the following information for all units to be covered by the prohibition order:

(i) A statement of the reasons the owner or operator is seeking the issuance of a prohibition order; and

(ii) Sufficient information from which ERA may make the findings required by Section 301(b) of FUA in the case of a powerplant and Section 302(b) of FUA in the case of an installation.

(3) If ERA determines to accept the request, ERA shall publish a proposed order in the **Federal Register** together with a statement of the reasons for the order. The proceeding for issuance of the prohibition order shall thereafter continue in the same manner as proceedings commenced by ERA on its own initiative.

§ 501.52 [Reserved]

§ 501.53 Prohibitions by rule—existing powerplants. [Reserved]

§ 501.54 Prohibitions by rule—existing installations. [Reserved]

§ 501.55 [Reserved]

§ 501.56 Prohibition by rule or order—new MFBI nonboilers.

(a) *Prohibition by rule.* (1) Pursuant to section 202 of FUA, ERA may prohibit by rule the use of petroleum or natural gas as a primary energy source by new MFBI's that are combustion turbine units, combined cycle units or internal combustion engines.

(2) In such a rulemaking, ERA will consider any special circumstances or characteristics of the category of nonboilers that would be prohibited from using natural gas or petroleum as a primary energy source. ERA will specifically consider such factors as the overall technical feasibility of category members to burn an alternate fuel as a primary energy source, as well as the size of category members and their location. ERA will consider any other circumstances, characteristics, and factors brought to its attention that it determines to be relevant and appropriate to the rulemaking.

(3) The application of any final rule to any new MFBI shall be stayed pending resolution (including judicial review) of any petition for an exemption for the installation that is filed with ERA not later than 60 days after the final rule is published under section 702(a) of FUA.

(4) No final rule can be applied to the installation if:

(i) It has received a final order containing a comparable prohibition;

(ii) It was proposed to receive an order but did not do so due to a demonstration that the installation could qualify for an exemption under the Act;

(iii) A stay, pursuant to section 202(a) of FUA, is in effect pending resolution of any petition for an exemption that has been filed within sixty (60) days after publication of that rule pursuant to section 702(a) of FUA; or

(iv) An exemption has been petitioned for and granted to the installation.

(b) *Prohibition by order.* (1) ERA may prohibit by order the use of petroleum or natural gas as a primary energy source in a new MFBI consisting of a combustion turbine, a combined cycle unit or an internal combustion engine if that installation has not been identified as a member of a category subject to a final prohibition rule at the time of the issuance of the proposed order.

(2) ERA may not issue a final order to an installation under this subsection if it has been demonstrated that there would have been granted an exemption for the installation if the prohibition had been established by rule. If the installation would have been granted a temporary exemption, however, ERA may issue a final order that will take effect at the time the temporary exemption would have terminated.

(3) In any case in which an order is not issued by reason of paragraph (b)(2) of this section, or in which the effective date of such order is delayed under that paragraph, ERA shall take such steps as may be necessary to assure the installation involved complies with the same requirements (including provisions of section 214(a) of FUA) as would have been applicable if an exemption had been granted based upon grounds for which the order is not issued or the effective date would be delayed.

(c) *Exceptions.* If acquisition or construction began for a nonboiler prior to the date of publication of the proposed rule or proposed order, the nonboiler shall be considered an "existing" nonboiler for purposes of treatment under the Existing Major Fuel-Burning Installations Section (Title III, Subtitle A) of the FUA.

(d) *Notice of rules and orders, and public participation.* Pursuant to section 701 of FUA, prior to the issuance of a final rule or order to a new nonboiler, ERA shall publish a proposed rule or order in the Federal Register together with a statement of the reasons for the rule or order. In the case of a proposed rule, ERA will, in identifying categories of new MFBI's, explain and account for any special circumstances or characteristics of each category, including the technical feasibility of burning coal and/or other alternate fuels and the size or geographic location of installations in the category described by the proposed rule.

(e) *Decision to issue a final rule or order.* (1) ERA will base its determination to issue a rule or order on consideration of the whole record or those parts thereof cited by a party and supported by and in accordance with reliable, probative and substantial evidence.

(2) ERA shall include in the final rule or order a written statement of the pertinent facts, a statement of the legal basis upon which the final rule is issued, a recitation of the conclusions regarding the required findings, and a summary of the rationale for each finding. The final rule or order shall state the effective date(s) of the prohibition(s) contained therein.

(3) ERA may enclose with a copy of the final rule or order a schedule of steps that should be taken by a stated date (a compliance schedule) to ensure that the affected installation(s) will be able to comply with the prohibitions stated in the rule or order by the effective date. The compliance schedule may require the affected person to take steps with regard to a unit sixty (60) days after service of the final rule or order.

Subpart F—Exemptions

§ 501.60 Purpose and scope.

(a)(1) If the petitioner plans to construct a new powerplant or new MFBI consisting of a boiler, or owns, operates, or controls such a new unit, and the unit is subject to one or more of the FUA prohibitions, this subpart establishes the procedures for filing a petition requesting a temporary or permanent exemption under, respectively, Sections 211 and 212 of FUA.

(2) If the petitioner plans to construct or owns, operates, or controls a new MFBI other than a boiler and such unit is subject to a prohibition by order or rule, this subpart establishes the procedures for filing a petition requesting a temporary or permanent exemption under, respectively, Sections 211 and 212 of FUA.

(3) If the petitioner owns, operates or controls an existing powerplant or MFBI, and the unit is subject to a prohibition by rule or order, this subpart provides the procedures for filing a petition for temporary or permanent exemption under respectively, Sections 311 and 312 of FUA.

(4) If the petitioner owns, operates or controls a new or existing powerplant or MFBI, this subpart provides the procedures for filing a petition requesting extension of a temporary exemption granted under Section 211 or Section 311 of FUA.

(b) If the petition is for an extension of a temporary exemption, the petitioner must apply for this extension at least (90) days prior to the expiration of the temporary exemption.

§ 501.61 [Reserved]

§ 501.62 Petition contents.

(a) A petition for exemption should include the following information:

(1) The name of the petitioner;

(2) The name and location of the unit for which an exemption is being requested;

(3) The specific exemption(s) being requested; and

(4) The name, address, and telephone number of the person who can supply further information.

(b) *Table of Contents.* Include only those sections contained in the petition.

(c) *Introduction.* Include the following:

(1) Description of the facility under consideration;

(2) Description of the unit and fuel the petitioner proposes to burn in that unit, including the purpose of and need for the unit; and

(3) Description of the operational requirements for the unit, including size (capacity, input and output in millions of Btu's per hour), output in terms of product or service to be supplied, fuel capability, and operating mode, including capacity factor, utilization factor, and fluctuations in the load.

(d) *General requirements.* The evidence required under either Part 503 Subpart B or Part 504 Subpart C, as appropriate to each exemption(s) for which the petitioner is applying:

(1) No alternate power supply (§ 503.8 or § 504.13);

(2) Use of mixtures (§ 503.9 or § 504.15);

(3) Use of fluidized bed combustion (§ 504.10 or § 504.16);

(4) Alternative site (§ 503.11);

(5) Compliance Plan (§ 503.12 or § 504.17);

(6) Environmental impact analysis (§ 503.13 or § 504.20);

(7) Fuels search (§ 503.14 or § 504.21).

(e) *Specific evidence.* Evidence required for each exemption, segregated by exemption (Part 503 Subparts C and D or Part 504 Subparts D and E, as appropriate).

(f) *References.* (1) Specify the reports, documents, experts, and other sources

consulted in compiling the petition. Cite these sources in accordance with acceptable documentation standards, and indicate the part of the petition to which they apply. If the source is unusual or little known, briefly describe its contents.

(2) Identify at the end of each section of the petition any information or any statement based, in whole or in part, on information or principles which, to petitioner's knowledge, represent significant innovations to or departures from generally accepted facts or principles.

(g) *Appendices.* Include in the appendices material which the petitioner believes substantiates any analyses fundamental to the petition, materials prepared in connection with it, and any other documents, studies, or analyses which are believed to be relevant to the decision to be made. Also, include in the appendices copies of any forms submitted as part of the petition.

(h) *List of Preparers.* List the names with the qualifications and professional credentials of the principal contributors to the preparation of the petition. Indicate the sections or subject matters for which each principal contributor was responsible.

(i) *Incorporation by reference.* Pertinent information may be incorporated into the petition by reference when this can be done without impeding agency and public review. Referenced materials must be specifically identified and their contents briefly described in the petition. To incorporate by reference, the material must be submitted with the petition, or if previously submitted, the office to which it was submitted must be identified in the petition. The petitioner cannot incorporate by reference material based on proprietary data not available to ERA for review.

§ 501.63 Notice of the commencement of an administrative proceeding on an exemption petition.

(a)(1) When a petition is accepted, ERA will publish in the **Federal Register** a Notice of Acceptance, or, in the case of a certification exemption, a Notice of Acceptance and Availability of Certification, signifying that an exemption proceeding has commenced. The notice will include a summary of the exemption petition, and publication will commence a public comment period of no less than forty-five (45) days during which interested parties may file written comments concerning the petition. In the case of a certification exemption, interested persons may request a public hearing during this period, pursuant to § 501.33.

(2) ERA also will notify the appropriate State agency having apparent primary authority to permit or regulate the construction or operation of a powerplant, or any State agency with similar authority over an MFBI, that an exemption proceeding has commenced and will consult with these agencies to the maximum extent practicable. Copies of all accepted petitions will be forwarded to the Administrator of the EPA, and, if the unit involved is an MFBI, to the Federal Trade Commission.

(b) In processing an exemption petition, ERA shall comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality's implementing regulations, and the DOE guidelines implementing those regulations (45 FR 20694 (March 28, 1980)). Compliance with NEPA may involve the preparation of (1) an environmental impact statement (EIS) evaluating the grant or denial of an exemption petition, (2) an environmental assessment (EA), or (3) a memorandum to the file finding that the grant of the requested petition would not be considered a major federal action significantly affecting the quality of the human environment. If an EIS is required, ERA will publish in the **Federal Register** a Notice of Intent (NOI) to prepare an EIS as soon as practicable after commencement of the proceeding. A public meeting may be held pursuant to 40 CFR 1501.7 to solicit comments or suggestions on the structure and content of the EIS.

§ 501.64 Publication of notice of availability of tentative staff analysis.

ERA will publish in the **Federal Register** a Notice of the Availability of Tentative Staff Analysis for the noncertification temporary public interest exemption, for noncertification environmental exemptions, and for a cogeneration exemption based on the public interest. ERA will provide a public comment period of at least fourteen (14) days from the date of publication during which interested persons may make written comments and request a public hearing.

§ 501.65 Publication of notice of availability of draft EIS.

Issuance of a draft EIS, EA, or preparation of a memorandum to the file will occur simultaneously with publication of a Notice of Availability of Tentative Staff Analysis. A Notice of Availability of any draft EIS will be published in the **Federal Register** and comments thereon will also be solicited. Interested persons may request a hearing on any draft EIS. Such hearing must be requested within thirty (30) days of publication of the Notice of Availability of the draft EIS.

§ 501.66 ERA evaluation of the record, decision and order.

(a) The administrative record in a proceeding under this Part will consist of the proposed prohibition order and/or petition and related documents, all relevant evidence presented at the public hearing, all written comments, and any other information in the possession of ERA and made a part of the public record of the proceeding. ERA will base its determination to issue a rule or order on consideration of the whole record, or those parts thereof cited by a party and supported by reliable, probative, and substantial evidence.

(b) ERA may investigate and corroborate any statement in any petition, document, or public comments submitted to it. ERA also may use any relevant facts it possesses in its evaluation and may request submissions from third persons relevant to the petition or other documents. ERA also may request additional information, data, or analyses following a public hearing, if any, if this information is necessary to resolve disputed issues in the record. Any relevant information received by ERA following the hearing that is not declared to be confidential under § 501.7(a)(11) shall be made part of the public record with opportunity provided for rebuttal.

(c) ERA will notify all participants if, after the close of any public hearing or comment period, it receives or obtains any relevant information or evidence. Participants may respond to such information or evidence in writing within fourteen (14) days of such notification. If ERA finds that the additional information or evidence relates to material issues of disputed fact and may significantly influence the outcome of the proceeding, ERA shall reopen the hearing on the issue or issues to which the additional information or evidence relates.

§ 501.67 Petition redesignations.

ERA, with the petitioner's approval, will redesignate an exemption petition if the petitioner qualifies for an exemption other than the one originally requested, even though he may not qualify for the specific exemption originally requested, or be entitled to the full exemption period provided by requested exemption. ERA shall give public notice of any redesignation of an exemption

petition, and where a public hearing has been requested notice shall be given at least thirty (30) days prior to such hearing.

§ 501.68 Decision and order.

(a)(1) ERA shall issue an order either granting or denying the petition for an exemption or permit within six (6) months after the end of the period for public comment and hearing applicable to any petition.

(2) ERA may extend the six (6) month period for decision to a date certain by publishing notice in the **Federal Register**, and stating the reasons for such extension.

(3) ERA will publish a final EIS at least thirty (30) days prior to take issuance of the final order in all cases where an EIS is required.

(b)(1) ERA shall serve a copy of the order granting or denying a petition for exemption to the petitioner and all persons on the service list in cases involving a public hearing.

(2) ERA shall publish any order granting or denying a petition under this subpart in the **Federal Register** together with a statement of the reasons for the grant or denial.

(c)(1) Any order granting or denying a petition for exemption shall be based upon consideration of the whole record or those parts thereof cited by a party and supported by, and in accordance with, reliable, probative and substantive evidence.

(2) The denial of a petition for exemption shall be without prejudice to the petitioner's right to submit an amended petition. ERA may, however, reject the amended petition if it is not materially different from the denied petition.

(d) ERA may design any terms and conditions included in any temporary exemption issued or extended under Sections 211 and 311 of FUA, to ensure, among other things, that upon expiration of the exemption the persons and powerplant or installation covered by the exemption will comply with the applicable prohibitions under FUA. For purposes of this provision, the subsequent grant of a permanent exemption to the subject unit shall be deemed compliance with applicable prohibitions.

§ 501.69 Judicial review.

Any person aggrieved by any order issued by ERA under this subpart, must file, within sixty (60) days of publication of the final order in the **Federal Register**, a petition for judicial review in the United States Court of Appeals for the Circuit wherein he resides, or has his principal place of business. Exhaustion of administrative remedies for purposes of judicial review does not require filing a petition pursuant to Subpart G for modification or rescission of the order to be reviewed.

Subpart G—Requests for Modification or Rescission of a Rule or Order

§ 501.100 Purpose and scope.

(a) Anyone may request that ERA commence a rulemaking proceeding pursuant to 5 U.S.C. 553(e); however, this subpart provides the procedures to be followed by—

(1) An interested person seeking the modification or rescission of a prohibition by rule applicable to a new facility;

(2) An owner or operator of a facility named in a prohibition by rule requesting the modification or rescission of that rule; or

(3) An owner or operator subject to an exemption order or a specific prohibition imposed by order requesting the modification or a rescission of that order.

(b) ERA also may commence a modification or rescission proceeding on its own initiative.

§ 501.101 Proceedings to modify or rescind a rule or order.

(a) In response to a request duly filed by an interested person, ERA may commence a proceeding to modify or rescind a rule or order. If ERA determines that a request to modify or rescind a rule or order does not warrant commencement of a proceeding, it will deny the request and issue a brief statement of the reason(s) for the denial.

(b) A request for modification or rescission of a rule or order must comply with the requirements of § 501.7 and must be filed at the address set forth in § 501.11.

(c) Notice of the request for modification or rescission of an order must be given by the requester to each party to the original proceeding that resulted in the issuance of the original order for which modification or rescission is sought. If the number of parties to the original proceeding is too large to allow actual notice at a reasonable cost or within a reasonable time, a requester may ask that ERA give notice to the parties by publication in the **Federal Register**; however, this alternate notice does not bind ERA to commence a proceeding, if it subsequently determines that the request is not warranted.

(d) If ERA determines to grant a request to commence a proceeding to rescind or modify a rule or order, or ERA on its own initiative, commences a proceeding for the modification or rescission of a rule or order, it will give notice, either by service of a written notice or by oral communication (which communication must be promptly confirmed in writing) to each person upon whom the order was served that ERA proposes to modify or rescind, or, alternatively, by publication of notice in the **Federal Register**. ERA will give a reasonable period of time for each person notified to file a written response.

(e)(1) A copy of any written comments submitted to ERA under this subpart by a party to the original proceeding must also be sent to the requester. The party submitting such comments must certify to ERA that he has sent a copy of such comments to the requester.

(2) ERA may notify other persons participating in the proceeding of the comments and provide an opportunity for those notified to respond.

(f) A request for modification or rescission of a rule or order must contain a complete statement of all facts relevant to the action sought. The request must also include the names and addresses of all reasonably ascertainable persons who will be affected. Pertinent provisions contained in any documents believed to support a request may be briefly described, however, ERA reserves the right to obtain copies of any significant documents that will assist in making a determination on the merits of a request. The request must identify the specific order or rule for which modification or rescission is sought. A request should also indicate whether an informal conference will facilitate ERA's determination to commence, or not to commence a proceeding, or will assist ERA in making any determinations on material issues raised by the request.

(g) A decision by ERA to commence a proceeding under this subpart does not entitle the requester to a public hearing on the request for modification or rescission. A public hearing may be held, however, if, in its discretion, ERA considers that a public hearing will advance its evaluation of the request.

§ 501.102 ERA evaluation of the record, decision and order for modification or rescission of a rule or order.

(a) ERA will consider the entire administrative record in its evaluation of the decision and order for modification or rescission of a rule or order. ERA may investigate and corroborate any statement in the petition or related documents and may utilize in its evaluation any relevant facts obtained by its investigations. ERA

may solicit or accept submissions from third persons relevant to any request under this subpart and all interested persons will be afforded an opportunity to respond to these submissions. ERA may, in its discretion and on its own initiative, convene a conference, if it considers that a conference will advance its evaluation of the request.

(b) *Criteria.* Except where modification or rescission of a rule or order is initiated by ERA, ERA's decision to rescind or modify a rule or order will be based on a determination that there are significantly changed circumstances with respect to the applicability of a particular prohibition or exemption to the requester. ERA believes that there may be "significantly changed circumstances", if:

(1) Significant material facts are subsequently discovered which were not known and could not have been known to the petitioner or to ERA at the time of the original proceeding;

(2) A law, regulation, interpretation, ruling, order or decision on appeal that was in effect at the time of the proceeding upon which the rule or order is based and which, if it had been made known to ERA, would have been relevant to the proceeding and would have substantially altered the outcome is subsequently discovered; or

(3) There has been a substantial change in the facts or circumstances upon which an outstanding and continuing order was based, which change occurred during the interval between issuance of the order and the date of filing of the request under this subpart, and was caused by force or circumstances beyond the requester's control.

§ 501.103 ERA Decision.

(a) ERA shall issue an appropriate rule or order after considering the request for modification or rescission of a rule or order and other relevant information received during the proceeding.

(b) ERA will either grant or deny the request for modification or rescission and will briefly state the pertinent facts and legal basis for the decision.

(c) ERA will serve the rule or order granting or denying the request for modification or rescission upon the requester, or, if the action was initiated by ERA, upon the owner or operator of the affected powerplant or installation. ERA will publish a notice of the issuance of a rule or order modifying or rescinding a rule or order in the **Federal Register.**

Subpart H—Requests for Stay

§ 501.120 Purpose and scope.

(a) This subpart sets forth the procedures for the request and issuance of a stay of a rule or order or other requirement issued or imposed by ERA or these regulations but does not apply to the mandatory stays provided for in Sections 202(b) and 301(a) of FUA. The application for a stay under this subpart will only be considered incidental to a proceeding on a request for modification or rescission of a final prohibition rule or order.

(b) The petitioner must comply with all final and effective ERA orders, regulations, rulings, and generally applicable requirements unless a petition for a stay is granted or is applicable under FUA.

§ 501.121 Filing and notice of petitions for stays.

(a)(1) The petition for a stay must be in writing and comply with the general filing requirements stated in § 501.7, in addition to any other requirements set forth in this subpart, and must be filed at the address provided in § 501.11.

(2) A claim for confidential treatment of any information contained in the petition for stay and supporting documents must be in accordance with § 501.7(a)(11), and filed at the address provided in § 501.11.

(b) ERA will publish notice of receipt of a petition for a stay under this subpart in the **Federal Register.**

§ 501.122 Contents.

(a) A petition for a stay shall contain a full and complete statement of all facts believed to be pertinent to the act or transaction for which a stay is sought. The facts shall include, but not be limited to, the criteria listed below in § 501.123(b).

(b) The petitioner may request a conference regarding the application. If the request is not made at the time the application is filed, it must be made as soon thereafter as possible. The request and ERA's determination regarding it will be made in accordance with Subpart C of this part.

§ 501.123 Evaluation of the record.

(a) The record in a proceeding on a petition for stay shall consist of the petition and any related documents, evidence submitted at any public proceedings and any other information in the possession of ERA and made part of the record. ERA may investigate and corroborate any statement in the petition or any other document submitted to it and may utilize in its evaluation any relevant facts obtained by its investigations. ERA may solicit or accept submissions from third persons relevant to the petition for stay or other document and any interested person will be afforded an opportunity to respond to these submissions. ERA, on its initiative, may convene a conference, if, in its discretion, it considers that the conference will advance its evaluation of the petition.

(b) *Criteria.* (1) ERA may grant a stay incident to a proceeding on a petition for modification of a rule or order if the petitioner shows:

(i) Irreparable injury will result if the stay is denied;

(ii) There is a strong likelihood of success on the merits;

(iii) The denial of a stay will result in a more immediate hardship or inequity to the petitioner than to other persons affected by the proceeding; and

(iv) It would be desirable for reasons of public policy to grant the stay.

§ 501.124 Decision and order.

(a) ERA will issue an order granting or denying the petition for a stay upon consideration of the request and other relevant information received or obtained during the proceeding.

(b) ERA will include in the order a brief written statement setting forth the relevant facts and the basis of the decision, including any appropriate terms and conditions of the stay.

Subpart I—Requests for Interpretation

§ 501.130 Purpose and scope.

This subpart establishes procedures for filing a formal request for and the issuance of an interpretation of a rule, order or other action by DOE. Any response, whether oral or written, to a general inquiry, or to other than a formal written request for interpretation filed with DOE, is not an interpretation and merely provides general information that may not be relied upon in any proceeding to determine compliance with the applicable requirements of FUA.

§ 501.131 Filing a request for interpretation.

A proceeding to request an interpretation is commenced by the filing of a "Request for Interpretation (FUA)." The request must be in writing and must also comply with the general filing requirements stated in § 501.7. Any claims for confidential treatment for any information contained in the request or other related documents must be made pursuant to § 501.7(a)(11). A request for interpretation should be filed with the Assistant General Counsel for

Interpretations and Rulings at the address provided in § 501.11.

§ 501.132 Contents of a request for interpretation.

(a) A request for an interpretation must contain a complete statement of all the facts believed to be relevant to the circumstances, acts or transactions that are the subject of the request. The facts must include the names and addresses of all potentially affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in any documents submitted with the request. Copies of relevant contracts, agreements, leases, instruments, and other documents relating to the request must be submitted if DOE believes they are necessary for determination of any issue pending in the proceeding under this subpart. When the request pertains to only one step in a larger integrated transaction, the requesting party must also submit the facts, circumstances, and other relevant information pertaining to the entire transaction.

(b) The requesting party must include in the request a discussion of all relevant legal authorities, rulings, regulations, interpretations and decisions on appeal relied upon to support the particular interpretation sought.

(c) DOE may refuse to issue an interpretation if it determines that there is insufficient information upon which to base an interpretation.

§ 501.133 DOE evaluaton.

(a)(1) The record shall consist of the request for an interpretation and any supporting documents, all relevant evidence presented at any public proceedings, written comments and any information in the possession of DOE that has been made part of the record.

(2) DOE may investigate and corroborate any statement in a request or related documents and may utilize in its evaluation any relevant facts obtained by the investigation. DOE may solicit or accept submissions from third persons relevant to the request for interpretation, or any other document submitted under this subpart, and the person requesting the interpretation will be afforded an opportunity to respond to these submissions.

(3) The General Counsel or his delegate will issue an interpretation on the basis of the information provided in the request, unless that information is supplemented by other information brought to the attention of DOE during the proceeding. DOE's interpretation will, therefore, depend on the accuracy of the factual statements, and the requesting party may rely upon it only to the extent that the facts of the actual situation correspond to those upon which the interpretation is based.

(b) *Criteria.* (1) DOE will base its FUA interpretations on the DEOA and FUA, as applicable, and the regulations and published rulings of DOE as applied to the specific factual situation presented.

(2) DOE will take into consideration previously issued interpretations dealing with the same or a related issue.

§ 501.134 Issuance and effect of interpretations.

(a) DOE may issue an interpretation after consideration of the request for interpretation and other relevant information received or obtained during the proceeding.

(b) The interpretation will contain a written statement of the information upon which it is based and a legal analysis of and conclusions regarding the application of rulings, regulations and other precedent to the situation presented in the request.

(c) Only those persons to whom an interpretation is specifically addressed, and other persons upon whom the DOE serves the interpretation and who are directly involved in the same transaction or act, are entitled to rely upon it. No person entitled to rely upon an interpretation shall be subject to civil or criminal penalties stated in Title VII of FUA for any act taken in reliance upon the interpretation, notwithstanding that the interpretation shall thereafter be declared by judicial or other competent authority to be invalid.

(d) DOE may at any time rescind or modify an interpretation on its own initiative. Rescission or modification shall be made by notifying persons entitled to rely on the interpretation that it is rescinded or modified. This notification will include a statement of the reasons for the rescission or modification and, in the case of a modification, a restatement of the interpretation as modified.

(e) An interpretation is modified by a subsequent amendment to the regulations or ruling to the extent that it is inconsistent with the amended regulation or ruling.

(f) Any person who believes he is directly affected by an interpretation issued by DOE, and who believes that he will be aggrieved by its implementation, may submit a petition for reconsideration of that interpretation to the General Counsel. DOE will acknowledge receipt of all requests for reconsideration; however, this acknowledgement in no way binds DOE to commence any proceeding on the request. If within sixty (60) days of DOE's acknowledgement of the receipt of a request for reconsideration, DOE has not issued either a notice of intent to commence a proceeding to reconsider the interpretation or a modification, revision or rescission of the original interpretation, the request for reconsideration will be deemed denied. DOE may, in its discretion, issue a formal denial of a request for reconsideration if:

(1) The request has not been filed in a timely manner, and good cause therefor has not been shown;

(2) The person requesting reconsideration is not aggrieved or otherwise injured substantially by the interpretation; or

(3) The request is defective because it fails to state and to present facts and legal argument that the interpretation was erroneous in fact or in law, or that it was arbitrary or capricious.

Subpart J—Rulings

§ 501.140 Purpose and scope.

DOE may issue rulings in accordance with the provisions of this subpart. DOE will publish each ruling in the Federal Register and in 10 CFR Part 518. A person is entitled to rely upon a ruling to the extent provided in this subpart.

§ 501.141 Criteria for issuance.

(a) The General Counsel may issue a ruling whenever:

(1) There has been a substantial number of inquiries with regard to similar factual situations or a particular section of the regulations; or

(2) It is determined that a ruling will be of assistance to the public in applying the regulations to a specific situation.

§ 501.142 Modification or rescission.

(a) A ruling may be modified or rescinded by—

(1) Publication of the modification or rescission by DOE in the Federal Register and in 10 CFR Part 518; or

(2) Adoption of a rule that supersedes or modifies a prior ruling.

(b) A person shall not be subject to the sanctions or penalties stated in these regulations for actions taken in reliance upon a ruling, notwithstanding that the ruling is subsequently declared to be invalid or no longer applicable. A person affected by a ruling may not rely upon it for more than 30 days after it has been rendered invalid pursuant to issuance of a superseding rule by ERA, or after it has been rescinded or modified by DOE.

§ 501.143 Comments.

Any interested person may file a written comment on or objection to a

published ruling at any time with the Assistant General Counsel for Interpretations and Rulings at the address provided in § 501.11.

Subpart K—Enforcement

§ 501.160 Purpose and scope.

This subpart provides the procedures by which ERA may initiate enforcement proceedings on its own behalf and by which complaints concerning a violation of the Act or any rule or order thereunder may be filed.

§ 501.161 Filing a complaint.

(a) A complaint under this subpart must be submitted in writing over the signature of the person making the complaint in accordance with the general filing requirements stated in § 501.7. ERA will accept oral complaints that otherwise satisfy the requirements of this subpart, but ERA may request written verification.

(b) A complaint shall be filed at the address provided in § 501.11.

§ 501.162 Contents of a complaint.

A complaint must contain a complete statement of all relevant facts pertaining to the act or transaction that is the subject of the complaint. It must also include the names and addresses of all persons involved (if reasonably ascertainable), a description of the events that led to the complaint, and a statement describing the statutory provision, regulation, ruling, order, rule, or interpretation that allegedly has been violated.

§ 501.163 ERA evaluation.

(a) The record shall consist of the complaint and any supporting documents and all other relevant information developed in the course of any investigations or proceedings related to that complaint. ERA may investigate and corroborate any statement in the complaint or related documents submitted, and may utilize in its evaluation any relevant facts obtained by such investigation or from any other source of information. ERA may solicit or accept submissions from third persons relevant to the complaint or other related documents.

(b) *Confidentiality of information.* ERA will treat as confidential information received in any investigation of a complaint, including the identity of the complainant and the identity of any other persons who provide information to the extent such information is exempt from public disclosure under the Freedom of Information Act, 5 U.S.C. 552. ERA reserves the right to make disclosures that would be in the public interest.

§ 501.164 § Decision to initiate enforcement proceedings.

After investigation of a specific complaint or based on any relevant information received or obtained during an investigation, ERA may issue a notice of violation, determine that no violation has occurred, or take such other actions as it deems appropriate. Prior to issuance of a notice of violation, and before commencement of an enforcement proceeding, ERA may transmit a draft of the notice of violation to the potentially affected person in order to promote an informal resolution of the violation.

§ 501.165 Commencement of enforcement proceedings.

(a) Whenever, on the basis of any information available, ERA determines that a person is in violation or about to be in violation of any provision of these regulations, ERA may issue a notice of violation stating, in writing and with reasonable specificity, the nature of the violation. An enforcement proceeding commences with the issuance of a notice of violation.

(b) *Contents of the notice of violation.* ERA will set forth in the notice of violation the nature of the violation, the relevant facts that ERA believes establish the violation and the legal basis for the conclusions reached therein. ERA may also include with the notice of violation a copy of a proposed order. The notice of violation will also state whether or not ERA proposes to assess civil penalties.

(1) If ERA proposes to assess a civil penalty, a notice of violation will be issued to the violator with an opportunity for a hearing before an Administrative Law Judge, as set forth in § 501.166(a)(1) of this part, before any final determination on the violation and penalty are made by ERA. The recipient of the notice will also be informed of his right to elect to have the procedures of § 501.166(a)(2) apply, in lieu of the hearing, with respect to a final determination on the assessment of any civil penalty.

(2) If ERA does not propose to assess a civil penalty, the violator will be provided the opportunity for a conference, as set forth in § 501.166(b), before a final determination on the violation is made by ERA. ERA may, in its discretion, also provide the violator an opportunity for a hearing pursuant to § 501.166(a)(1).

(c) *Service.* ERA will serve the notice of violation in accordance with provisions set forth in § 501.6.

(d) *Rescission.* If, after issuance of a notice of violation and any related investigation, ERA finds no basis for the belief that a violation has occurred, is continuing to occur, or is about to occur, ERA may rescind the notice of violation by giving written notice to that effect to the recipient.

§ 501.166 Hearings and conferences.

(a) *When a civil penalty is proposed.* (1) *Hearing alternative in civil penalty assessment proceedings.*—Unless the recipient of a notice of violation elects in writing to have the provisions of paragraph (2) of this section apply, ERA will commence a proceeding to assess a penalty and, prior to a final determination on the violation and assessment of a penalty, provide an opportunity for a hearing pursuant to 5 U.S.C. 554 before an Administrative Law Judge.

(2) *Election alternative in civil penalty assessment proceedings.* The recipient of a notice of violation in which a civil penalty assessment has been proposed may elect, in writing, within thirty (30) days of receipt of the notice, to waive the administrative proceedings described in paragraph (a)(1) of this section. ERA will make a determination on the proposed civil penalty assessment and issue a final order to that effect within forty-five (45) days after receiving notice of the exercise of this election.

(b) *When a civil penalty is not proposed—opportunity to request a conference.* If a person has received a notice of violation in which a civil penalty has not been proposed, he may, within thirty (30) days after receipt of the notice, request a conference with ERA to discuss the notice. In order to request a conference he must comply with the instructions set forth in the notice.

§ 501.167 Fuel use order.

(a) *General.* ERA will issue a Fuel Use Order if, after considering all the information received during the proceeding, ERA determines that a person has committed, is committing, or is about to commit a violation of FUA or of an order or rule thereunder.

(b) *Contents.* Any Fuel Use Order issued under this section shall set forth the relevant facts and legal basis for the order and where appropriate, the final penalty assessment and the basis therefor. When an administrative hearing is requested under § 501.166(a) of this part, the Fuel Use Order will include the recommended findings and conclusions of the Administrative Law Judge (ALJ) and the basis for the penalty

assessment. ERA will make a final determination as to any penalty assessment or other appropriate remedy based upon the recommended findings and conclusions of the ALJ and other information in the record of the enforcement proceeding. The order will be effective upon service, unless otherwise provided therein, or stayed pursuant to § 501.120.

(c) *Service.* ERA will serve a copy of the Fuel Use Order upon any person who was served a copy of the notice of violation and upon all parties to any public proceeding on the notice of violation. ERA will place a copy of each final order on file in the Public Information Office described in § 501.12.

(d) *Judicial review.* Any person against whom a penalty is assessed pursuant to § 501.167(b) after a hearing before an ALJ may, within sixty (60) calendar days after the date of issuance of the order assessing such penalty, institute an action in the United States Court of Appeals for the appropriate judicial circuit for judicial review of such order in accordance with the provisions of Section 723 of FUA.

Subpart L—Investigations, Violations, Sanctions and Judicial Actions

§ 501.180 Investigations.

(a) *General.* Pursuant to Section 711 of FUA, the DEOA, and in accordance with the provisions of 10 CFR 205.201, ERA may initiate and conduct investigations relating to the scope, nature, and extent of compliance by any person with the rules, regulations, and orders issued by ERA under the authority of the Act, or any order or decree of court relating thereto, or any other agency action. When the circumstances warrant, ERA may issue subpoenas as provided in Subpart D of this part. ERA may also conduct investigative conferences in conjunction with any investigation.

(b) Any duly authorized representative of ERA has the authority to conduct an investigation and to take such action as he deems necessary and appropriate to the conduct of the investigation.

(c) *Notification.* If any person is required to furnish information or documentary evidence pursuant to a subpoena or special report order, ERA will, upon written request, inform that person as to the general purposes of the investigation.

(d) *Confidentiality.* ERA shall not disclose any information received during an investigation under this section, including the identities of the person investigated and any other person who provides information, to the extent it is exempt from public disclosure pursuant to 5 U.S.C. 552 and 10 CFR Part 1004.

§ 501.181 Sanctions.

(a) *General.* (1) A violation of any provision of the Act (other than Section 402 of FUA), or any rule or order thereunder shall be subject to the penalties and sanctions provided in Subtitle C of Title VII of FUA.

(2) Each day that any provision of the Act (other than Section 402), or any rule or order thereunder is violated constitutes a separate violation within the meaning of the provisions of this section relating to civil penalties.

(b) *Criminal penalties.* Any person who willfully violates any provision of the Act (other than Section 402), or any rule or order thereunder will be subject to a fine of not more than $50,000, or to imprisonment for not more than 1 year, or both, for each violation.

(c) *Civil penalties.* (1) Any person who violates any provisions of the Act (other than Section 402) or any rule or order thereunder will be subject to the following civil penalty, which may not exceed $25,000 for each violation:

Any person who operates a powerplant or major fuel burning installation under an exemption, during any 12-calendar-month period, in excess of that authorized in such exemption will be assessed a civil penalty of up to $3 for each MCF of natural gas or up to $10 for each barrel of oil used in excess of that authorized in the exemption.

(2) ERA may compromise and settle, and collect civil penalties whenever it considers it to be appropriate or advisable.

(d) *Corporate personnel.* (1) If a director, officer, or agent of a corporation willfully authorizes, orders, or performs any act or practice constituting in whole or in part a violation of the Act, or any rule or order thereunder, he will be subject to the penalties specified in paragraphs (b) and (c) of this section without regard to any penalties to which the corporation may be subject. He will not, however, be subject to imprisonment under paragraph (b) of this section unless he knew of noncompliance by the corporation, or had received from ERA notice of noncompliance by the corporation.

(2) Purposes of this paragraph:

(i) "Agent" includes any employee or other person acting on behalf of the corporation on either a temporary or permanent basis; and

(ii) "Notice of noncompliance" is a final Fuel Use Order issued under § 501.167 of this part.

§ 501.182 Injunctions.

Whenever it appears to ERA that any person has committed, is committing, or is about to commit a violation of any provision of the Act, or any rule or order thereunder, ERA may, in accordance with Section 724 of FUA, bring a civil action in the appropriate United States District Court to enjoin such acts or practices. The relief sought may include a mandatory injunction commanding any person to comply with any provision of such provision, order or rule, the violation of which is prohibited by Section 724 of FUA and may also include interim equitable relief.

§ 501.183 Citizen suits.

(a) *General.* A person who believes he is aggrieved by the failure of ERA to perform any nondiscretionary act of duty under the Act may file a Petition for Action for ERA to take such action as he may feel to be proper. This petition must be filed at the address provided in § 501.11. The petition must specify the action requested and set forth the facts and legal arguments that constitute the basis for the request. The filing of a Petition for Action will serve as notice to ERA under FUA Section 725(b) for purposes of any citizens suit that may be subsequently filed.

(b) *ERA decision.* Within sixty (60) days of receiving the Petition for Action, ERA will notify the person giving notice under this section that it has instituted the action requested or that other described action is being taken, or that other described action is being taken, or that no action is being taken and the reasons therefor.

Subpart M—Use of Natural Gas or Petroleum for Emergency and Unanticipated Equipment Outage Purposes

§ 501.190 Purpose and scope.

(a) If a person operates a:

(1) Powerplant or installation covered by any of the prohibitions of Titles II, III, or IV, with the exception of Title IV, Section 402, or the requirements of Title V of FUA, § 501.191 of this subpart establishes procedures to be followed for the use of minimum amounts of natural gas or petroleum under FUA Section 103(a)(15)(B) in order to alleviate or prevent unanticipated equipment outages and emergencies directly affecting the public health, safety, or welfare that would result from electric power outages; or

(2) Peakload powerplant or an installation covered by any of the prohibitions of Titles II, III, or IV, with the exception of Title IV, Section 402, or

the requirements of Title V of FUA. § 501.192 of this subpart establishes procedures to be followed for the emergency use of natural gas or petroleum as a primary energy source during a temporary emergency condition under Section 404(g) of FUA.

(b) *Explanatory note:* If a person operates a rental boiler as a powerplant or installation covered by any of the prohibitions of Titles II, III, or IV except Title IV, Section 402, or the requirements of Title V of FUA, he may be able to use the provisions of this Subpart for the emergency use of natural gas or petroleum.

§ 501.191 Use of natural gas or petroleum for certain unanticipated equipment outages and emergencies defined in section 103(a)(15)(B) of the act.

(a) In the event of the occurrence or imminent occurrence of an emergency, or of the occurrence or imminent occurrence of an unanticipated equipment outage in the unit, an owner or operator of a powerplant or installation is automatically permitted to use minimum amounts of natural gas or petroleum in the unit or in a substitute unit to prevent or alleviate the outage or to prevent or alleviate the emergency if he complies with procedures contained in paragraph (b) of this section.

(b) If the use of minimum amounts of petroleum or natural gas is required for purposes specified in this section, the owner or operator must notify ERA of such use by telegram or telephone within 24 hours after the commencement of such use. Immediately thereafter a written confirmation must be submitted to ERA, describing, to the best estimate of the owner or operator, (1) the nature of the emergency and (2) how long petroleum or natural gas use is likely to be required.

(c) For purposes of this section only:

(1) An "emergency" is the occurrence or threat of imminent occurrence of a condition which results or would result from an electric power outage and directly effects or would directly effect the public health, safety or welfare;

(2) "Unanticipated equipment outage" shall mean an unexpected outage due to equipment failure.

(3) "Minimum amounts required to alleviate or prevent" shall mean:

(i) For powerplants, the amounts of natural gas or petroleum required to prevent curtailment of electric supply where the operating utility has, to the maximum extent possible, utilized alternate fuel-fired capacity to prevent such curtailment. Note—A utility operating hydroelectric facilities may take into account seasonal fluctuations in storage capacity and shall be permitted to prevent depletion of stored power-producing capacity as deemed necessary by the utility; and

(ii) For installations, the amounts of natural gas or petroleum required to meet plant protection or human health and safety needs, including services to hospitals, public transportation facilities, sanitation, or water supply and pumping.

§ 501.192 Use of natural gas or petroleum during a temporary emergency condition pursuant to section 404(g) of the act.

(a) For purposes of this section only, a "temporary emergency condition" ("emergency") is an occurrence which exists when:

(1) For installations, the use of natural gas or petroleum is necessary for purposes of:

(i) Plant protection;

(ii) Preservation of human health; or

(iii) Continued production that would otherwise be reduced by reason of, for example, an interruption of alternate fuel supplies, equipment failures, imminent equipment failures or temporary environmental restrictions; and

(2) For peakload powerplants, a curtailment of electric supply would be likely to result.

(b) Where the owner or operator is eligible to use natural gas or petroleum for emergency purposes, either under this section or under § 501.191 of this subpart, he may use the procedures provided in § 501.191.

(c) In the event of occurrence of a temporary emergency condition, the owner or operator is automatically permitted under this section to use natural gas or petroleum in his peakload powerplant or installation or in a substitute unit until the termination of the emergency condition, a period not to exceed twenty-four (24) months, if he:

(1) Notifies ERA by telegram or telephone within twenty-four (24) hours after the commencement of the emergency condition that he requires such emergency use of natural gas or petroleum; and

(2) Immediately thereafter confirms such use in writing, signed by the responsible officer of the company; and

(3) Is not notified in writing by ERA during such period that the emergency condition:

(i) Has terminated; or

(ii) Does not otherwise warrant the use of natural gas or petroleum involved.

(d) If the emergency condition has terminated, the owner or operator must file with ERA a written statement, certified by the responsible office of his company indicating the day on which the facility returned to normal operation.

(e) The administrative provisions of Section 701 of FUA do not apply to this section.

(f) Any hours of emergency operation allowed under this section shall not be included in a peakload powerplant's operating hours for purposes of penalties set forth in Section 723(b) of FUA, and any reporting requirements or conditions imposed under any peakload or emergency exemption under FUA are independent of any requirements imposed under this section. Additionally, any consumption of petroleum or natural gas during any periods of emergency operation allowed under this section are independent of any reporting requirements or conditions of use imposed by any exemption granted under FUA.

3. Part 503 is revised to read as follows:

PART 503—NEW FACILITIES

Subpart A—Prohibitions

Sec.

503.1 Purpose and scope.
503.2 Prohibitions [powerplants].
503.3 Prohibitions [installations].

Subpart B—General Requirements for Exemptions

503.4 Purpose and scope.
503.5 Contents of petition.
503.6 Cost calculations for new powerplants and installations.
503.7 State approval—general requirement for new powerplants.
503.8 No alternate power supply—general requirement for certain exemptions for new powerplants.
503.9 Use of mixtures—general requirement for certain permanent exemptions.
503.10 Use of fluidized bed combustion not feasible—general requirement for permanent exemptions.
503.11 Alternative sites—general requirement for permanent exemptions for new powerplants.
503.12 Terms and conditions; compliance plans.
503.13 Environmental impact analysis.
503.14 Fuels search.

Subpart C—Temporary Exemptions for New Facilities

503.20 Purpose and scope.
503.21 Lack of alternate fuel supply.
503.22 Site limitations.
503.23 Inability to comply with applicable environmental requirements.
503.24 Future use of synthetic fuels.
503.25 Public interest.

Subpart D—Permanent Exemptions for New Facilities

503.30 Purpose and scope.
503.31 Lack of alternate fuel supply for the first 10 years of useful life.

Sec.

503.32 Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.
503.33 Site limitations.
503.34 Inability to comply with applicable environmental requirements.
503.35 Inability to obtain adequate capital.
503.36 State or local requirements.
503.37 Cogeneration.
503.38 Permanent exemption for certain fuel mixtures containing natural gas or petroleum.
503.39 Emergency purposes.
503.40 Permanent exemption for powerplants necessary to maintain reliability of service.
503.41 Peakload powerplants.
503.42 Intermediate load powerplants.
503.43 Scheduled equipment outages for installations.
503.44 Product or process requirements. [Reserved]

Authority: (Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq*); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq*); Energy Security Act, Pub. L. 96-294, 94 Stat. 611 (42 U.S.C. 8701); E.O. 12009, 42 FR 46267 (September 15, 1977).

Subpart A—Prohibitions

§ 503.1 Purpose and scope.

This subpart sets forth the statutory prohibitions imposed by the Act upon new powerplants and major fuel burning installations (MFBI's). The prohibitions in this subpart apply to all new electric powerplants and MFBI's unless an exemption has been granted by ERA under Subparts C and D of this part. Any person who owns, controls, rents, leases or operates a new powerplant or MFBI which is subject to the prohibitions may be subject to sanctions provided by the Act or these regulations.

§ 503.2 Prohibitions (powerplants).

Section 201 of the Act prohibits, unless an exemption has been granted under Subparts C or D of this part, the following:

(a) the use of petroleum or natural gas as a primary energy source in any new electric powerplant; and

(b) The construction of any new powerplant without the capability to use an alternate fuel as a primary energy source.

§ 503.3 Prohibitions (installations).

(a) *Prohibition on the Use of Natural Gas or Petroleum as a Primary Energy Source in Boilers.* Section 202(a) of the Act prohibits, unless an exemption has been granted under Subpart C or D of this part, the use of petroleum or natural gas as a primary energy source in any new MFBI which consists of a boiler.

(b) *Prohibition on the Use of Natural Gas or Petroleum as a Primary Energy Source in Nonboilers*—(1) *Prohibition by Rule.* (i) ERA may prohibit, by issuance of a rule, the use of petroleum or natural gas as a primary energy source by certain prescribed categories of new MFBI's which consist of a combustion turbine unit, combined cycle unit or internal combustion engine.

(ii) In any such rulemaking proceeding, ERA will consider any special circumstances or characteristics of the category of such MFBI's that would be prohibited from using natural gas or petroleum as a primary energy source. Factors to be considered include the overall technical capability of units within the category to burn an alternate fuel, as well as the size and geographic location of such units. ERA will consider all other circumstances, characteristics, and factors it deems relevant and appropriate that are brought to its attention.

(iii) Application of a final rule promulgated under this subsection shall be stayed with respect to an installation subject to such rule while ERA is considering a petition for an exemption which is filed in accordance with Subpart F of Part 501 within 60 days after publication of the final rule in the **Federal Register**. The stay will remain in effect pending judicial review of ERA's action upon such exemption petition.

(iv) No final rule will apply to an installation that—

(A) Has received any final order containing a comparable prohibition;

(B) Has received a proposed order but did not receive a final order because of a demonstration that the installation qualified or would have qualified for an exemption under the Act; or

(C) Has been granted an exemption in accordance with Subparts C and D;

(2) *Prohibition by order.* (i) ERA may prohibit, by order, the use of natural gas or petroleum as a primary energy source in an installation which consists of a combustion turbine unit, combined cycle unit or internal combustion engine, if that installation has not been identified as a member of a category subject to a final rule in accordance with § 503.3(b)(1)(i) at the time of the issuance of the proposed order.

(ii) ERA shall not issue a final order to an installation covered by this subsection if it can be demonstrated that the installation is eligible for an exemption. However, if the installation is eligible only for a temporary exemption, ERA may issue a final order that will take effect at the expiration of the temporary exemption.

(iii) If ERA does not issue a final prohibition order because a facility qualifies for a permanent exemption, or, if the effective date of the order is delayed during the period that a temporary exemption is effective, ERA shall take appropriate action to assure compliance with the same requirements including terms and conditions, if any, as would have been contained in an order if an exemption would have been granted.

(3) *Limitation.* ERA may not prohibit the use of petroleum or natural gas in an installation covered by this subsection if acquisition or construction of such installation was begun before the date the proposed rule or proposed order containing the prohibition was published. Under such circumstances, ERA will consider the installation to be an "existing" installation for purposes of Title III of the Act.

Subpart B—General Requirements for Exemptions

§ 503.4 Purpose and scope.

This subpart establishes the general requirements necessary to qualify for either a temporary or permanent exemption under this part and sets out the methodology for calculating the cost of using an alternate fuel and the cost of using imported petroleum.

§ 503.5 Contents of petition.

Before ERA will accept a petition for either a temporary or permanent exemption under this part, the petition must include all of the evidence and information required in this part and Part 501 of this chapter.

§ 503.6 Cost calculations for new powerplants and installations.

(a) *General.* (1) This calculation compares the cost of using alternate fuel to the cost of using imported petroleum. It must be performed for each alternate fuel and/or alternate site that the petitioner is required to examine.

(2) The cost of using an alternate fuel as a primary energy source will be deemed to substantially exceed the cost of using imported petroleum if the difference between the cost of using alternate fuel and the cost of using imported oil is greater than zero.

(3) There are two comparative cost calculations—a general cost test and a special cost test. Both take into consideration cash outlays for capital investments, annual expenses, and the effect of depreciation and taxes on cash flow. To demonstrate eligibility for a permanent exemption, a petitioner must use the procedures specified in the general cost test (paragraph (b) of this section). To demonstrate eligibility for a temporary exemption, the petitioner may apply the procedures specified in

either the general cost test or the special cost test (paragraph (c) of this section).

(b) *Cost calculation—general cost test.* (1) A petitioner may be eligible for a permanent exemption if he can demonstrate that the cost of using an alternate fuel from the first year of operation substantially exceeds the cost of using imported petroleum. Unless the best practicable cost estimates as prescribed below will not materially change during the first ten years of operation of the unit (given the best information available at the time the petition is filed), the petitioner must also demonstrate that the cost of using an alternate fuel beginning at any time within the first ten years of operation and using imported petroleum or natural gas until such time (*i.e.*, delayed use of alternate fuel) would substantially exceed the cost of using only imported petroleum.

(2) The petitioner would only be eligible for a temporary exemption if the computed costs of delayed alternate fuel use, commencing at the start of the second through eleventh years of operation, do not always substantially exceed the cost of using only imported petroleum. The length of the temporary exemption would be the minimum period from the start of operation in which the cost of using alternate fuel substantially exceeds the cost of using imported petroleum.

(3) To conduct the general cost test, calculate the difference (DELTA) between the cost of using an alternate fuel (COST(ALTERNATE)) and the cost of using imported petroleum (COST(OIL)) using Equations 1 through 3 below and the comparison procedures in paragraph (b)(5) of this section.

EQ 1 $$DELTA = COST(ALTERNATE) - COST(OIL)$$

where COST(ALTERNATE) and COST(OIL) are determined by:

EQ 2 $$COST = I + \sum_{i=1}^{N} \frac{(OM_i + FL_i)(1-t_i)}{(1+k)^i}$$

and I (capital investment) is:

EQ 3 $$I = \sum_{i=-g}^{N} \frac{I_i - ITC_i - S_i - t_i(DPR_i)\left(\frac{IX_e}{IX_i}\right)}{(1+k)^i}$$

(4) The terms in Equations 2 and 3 are defined as follows:

i = Year. i is a specified year either before year 0 or after year 0. Year 0 is the year before the unit becomes operational. For example, in the third year before the unit becomes operational, i would equal −2, and in the third year following commencement of operations of the unit, i would equal +3. Years are represented by 52 week periods prior to or following the date on which the unit becomes operational. Outlays before the unit becomes operational are future valued to the year before the unit becomes operational (year 0), and outlays after the unit becomes operational are present valued to the year before the unit becomes operational. Year 0 must be the same for the units being compared.

g = The number of years prior to the year before the unit becomes operational (year 0) that (1) a cash outlay is first made for capital investments, or (2) an investment tax credit is first used—whichever occurs first.

N = The useful life of the unit (see paragraph (d)(5) of this section).

I_i = Yearly cash outlay (in dollars) from the year outlays first occur to the last year of the unit's useful life for capital investments. (See paragraph (d)(2) of this section for the items that must be included.)

OM_i = Annual cash outlay in year i (in dollars) for all operations and maintenance expenses except fuel (*i.e.*, all non-capital and non-fuel cash outlays caused by putting the capital investments (I) into service). This may include labor, materials, insurance, taxes (except income taxes), etc. (See paragraph (d)(3) of this section.)

S_i = Salvage value of capital investment (in dollars) in year i.

FL_i = Annual cash outlay for delivered fuel expenses (in dollars) in year i. (See paragraph (d)(3) of this section for FL_i calculation instructions and Appendix II of these regulations for the procedures to determine fuel price.)

k = The discount rate expressed as a fraction (see paragraph (d)(4) of this section).

ITC_i = Federal investment tax credit used in year i resulting from capital investments (see paragraph (d)(6) of this section).

DPR_i = Depreciation in year i resulting from capital investments (see paragraph (d)(6) of this section).

t_i = Marginal income tax rate in year i (see paragraph (d)(6) of this section).

IX_i = Inflation index value for year i (see Table II–1 in Appendix II).

IX_e = Inflation index value for the year e, the year before the asset is placed in service.

(5) The step-by-step procedure that follows shows the comparison that the petitioner must make.

(i) Compute the cost of using an alternate fuel (COST(ALTERNATE)) unit throughout the useful life of the unit using Equations 2 and 3.

(ii) Compute the cost of using oil or natural gas (COST(OIL)) throughout the useful life of the unit using Equations 2 and 3.

(iii) Using Equation 1, compute the difference (DELTA) between COST(ALTERNATE) and COST(OIL). If the difference (DELTA) is less than or equal to zero, a petitioner is not eligible for a permanent or temporary exemption using the general cost test and need not complete the remainder of the general cost test calculation. However, he still may be eligible for a temporary exemption using the special cost test (paragraph (c) of this section). If the difference (DELTA) is greater than zero and if the best practicable cost estimates will not materially change during the first ten years of operation (given the best information available at the time the petition is filed), the petitioner has completed the test and is eligible for a permanent exemption. However, if the best practicable cost estimate will materially change during the first ten years, the petitioner must complete the remainder of the general cost test—the delayed use calculations which follow.

(iv) Recompute COST(ALTERNATE) with Equations 2 and 3, assuming that an alternate fuel is not used as the primary energy source until the start of the second year of operation and that imported petroleum or natural gas is used for the first year of operation. All cash outlays should reflect postponed use of alternate fuel.

(v) Successively recompute COST(ALTERNATE) with Equations 2 and 3, assuming that the alternate fuel

use is postponed until the start of the third year, fourth year, and so on, through the beginning of the eleventh year of operation (with imported petroleum or natural gas used in the years preceding alternate fuel use).

(vi) Compute the difference (DELTA) between each of the ten COST(ALTERNATE)s calculated in paragraph (b)(5) (iv) and (v) of this section and the COST(OIL) calculated in paragraph (b)(5)(ii) of this section.

(vii) If *all* the DELTAs computed in paragraph (b)(5) (iii) and (vi) of this section are greater than zero, the petitioner is eligible for a permanent exemption. If one or more of the DELTAs is less than or equal to zero, he is eligible for a temporary exemption for the period beginning at the start of the first year of operation and terminating at the beginning of the first year in which a DELTA is zero or less.

(c) *Cost calculations—special cost test.* (1) A petitioner may be eligible for a temporary exemption if he demonstrates that the cost of using an alternate fuel will substantially exceed the cost of using imported petroleum or (natural gas) over the period of the proposed exemption. The period of the proposed temporary exemption may not exceed ten years.

The petitioner must demonstrate that the cost of using an alternate fuel substantially exceeds the cost of using imported petroleum for the first year of operation, the first two years of operation, and so forth, through the period of the proposed exemption. ERA will limit the duration of a temporary exemption to the shortest time possible.

(2) To conduct the test, calculate the difference (DELTA) between the cost of using an alternate fuel (COST(ALTERNATE)) and the cost of using imported petroleum (COST(OIL)) using Equations 4 and 5 below, Equation 3 (paragraph (b)(3) of this section), and the comparison procedures in paragraph (c)(4) of this section.

$$\text{EQ 5} \qquad \text{COST} = I \times \frac{\sum_{i=1}^{P} (1+k)^{-i}}{\sum_{i=1}^{N} (1+k)^{-i}} + \sum_{i=1}^{P} \frac{(OM_i + FL_i)(1-t_i)}{(1+k)^i}$$

Capital investment (I) is calculated with Equation 3 (paragraph (b)(3) of this section).

(3) The terms in Equation 5 are the same as those in Equation 2 with the addition of P, the length of the proposed temporary exemption in years. (See paragraph (b)(4) of this section for other terms.)

(4) The step-by-step procedure that follows shows the comparisons which must be made.

(i) Using Equation 5, compute the cost of using an alternate fuel (COST(ALTERNATE)) assuming the length of the proposed exemption is one year.

(ii) Likewise, compute the cost of using imported petroleum or natural gas (COST(OIL)) assuming the length of the proposed exemption is one year.

(iii) Compute the difference (DELTA) between COST(ALTERNATE) and COST(OIL) using Equation 4.

(iv) Repeat the calculations made in (i), (ii), and (iii) above, assuming the length of the proposed exemption is two years, three years, four years, and so on, up through the period of the proposed exemption.

(v) A petitioner is eligible for a temporary exemption for the period beginning at the start of the first year of operation and terminating at the beginning of the first year in which a DELTA is zero or less.

(d) *Information on parameters used in the calculations.* (1) All estimated expenditures, except fuel, shall be expressed in real terms (unadjusted for inflation) by using the prices in effect at the time the petition is submitted. Instructions for fuel price calculations are contained in Appendix II.

(2) Capital investment yearly cash outlays (I_i) must include all items that are capital investments for Federal income tax purposes. All purchased equipment that has a useful life greater than one year, capitalized engineering costs, land, construction, environmental offsets, fuel inventory, transmission facilities, piping, etc., that are necessary for the operation of the unit must be included. However, an item must only be included if a cash outlay is required after the decision has been made to build the unit; sunk costs must not be included (*e.g.*, if the firm owns the land, its purchase price may not be included).

Note.—The guidelines for the fuel inventory for powerplants not using natural gas shall be: (a) All powerplants with only steam driven turbines—78 days, (b) all powerplants with only combustion turbines—142 days, (c) all powerplants with combined cycles—both steam driven turbines and combustion turbines—142 days. The guidelines for the fuel inventory for installations not using natural gas shall be the greater of: (1) 21 days fuel supply, or (2) sufficient fuel to fill sixty (60) percent of the storage volume. The guidelines for the fuel inventory for all facilities using natural gas shall be zero unless the gas supply is interruptible in which case an appropriate inventory of back-up fuel must be included. Other inventory levels may be used if they are more appropriate than these guidelines; however, the source or derivation of these levels must be discussed in the evidential summary.

(3)(i) The annual cash outlays for operations and maintenance expense (OM_i) and fuel expense (FL_i) for a powerplant may be computed by one of the following three methods; however, the one chosen must be consistently applied throughout the analysis.

(A) Assume the energy produced by the powerplant equals seventy (70) percent of design capacity times 8760 hours for each year during the life of the powerplant, and compute cash outlays for operations, maintenance, and fuel expenses for the powerplant.

(B) Economically dispatch the new powerplant. The cash outlays for operations, maintenance, and fuel expenses of all powerplants being dispatched (where oil and natural gas are priced according to the procedures of Appendix II) are the corresponding expenses for the purpose of the cost calculation. The dispatch analysis area must be that area with which the firm currently dispatches, anticipates dispatching, and will be interconnected. It must also include all anticipated exchanges of energy with other utilities or powerpools. The outlays for operations, maintenance, and fuel may also be estimated using a methodology that incorporates the benefits of economically dispatching units and provides consistent treatment in the alternate fuel and oil or natural gas cases being compared.

(C) Use a dispatch analysis to project the energy produced by the powerplant for a representative (not atypical) year of operation when consuming an alternate fuel. Compute the cash outlays for operations, maintenance, and fuel expenses for the powerplant based upon the level of energy production estimated for the representative year. The dispatch analysis and fuel expenses for the cost calculation must include oil and natural gas priced according to the procedures of Appendix II.

(ii) When computing the annual cash outlays for operations and maintenance expense (OM_i) and fuel expense (FL_i) for an installation, specify the firing rates and the length of time each firing rate will be maintaned.

(4) The discount rate (k) for analyses of powerplants is 2.9% or that which is computed as specified in Appendix I. The discount rate (k) for analyses of installations is 7.7% or that which is computed as specified in Appendix I. The inflation index (IX) is shown in Table II–1 of Appendix II. ERA will modify these specified rates from time to time as required by changed conditions after public notice and an opportunity to comment. However, the relevant set of specified rates for a specific petition for exemption will be the set in effect at the time the petition is submitted or the set in effect at the time a decision is rendered, whichever set is more favorable to the petitioner.

(5)(i) The guidelines for the useful life (N) of all powerplants except nuclear will be thirty-five (35) years. The guidelines for the useful life of a nuclear powerplant will be forty (40) years. The guidelines for the useful life of major fuel burning installations will be forty (40) years. Other useful line projections may be used if they are more appropriate than these guidelines; however, the source or derivation of these projections must be contained in the evidential summary. The summary should include a discussion of engineering, economic historical or other evidence.

(ii) If the units being compared have different useful lives, the petitioner will have to modify his calculation so that the two cash flows being compared have the length of the shorter useful life. To do this, (A) use the shorter of the two useful lives in Equations 2 and 5 for both units, and (B) multiply capital investment (I) of the unit with the longer life (computed with Equation 3) by the following adjustment factor (A):

$$\text{EQ 6} \qquad A = \frac{\sum_{i=1}^{Q} (1+k)^{-i}}{\sum_{i=1}^{R} (1+k)^{-i}}$$

where:

R = The useful life of the facility with the longer life.

Q = The useful life of the facility with the shorter life.

k = The discount rate (see paragraph (d)(4) above).

(6) All Federal investment tax credits (ITC_i) and depreciation (PR_i) values are those used for Federal income tax purposes and must be applied consistently throughout the analysis and in a manner consistent with the Federal tax laws. All investment tax credits allowed under Federal tax law must be reflected in the computations. The petitioner must use the method of depreciation which results in the greatest present value of the cash flow due to the tax and depreciation effect. The marginal income tax rate (t_i) is the firm's anticipated marginal Federal income tax rate in year i. The relevant investment tax credits, depreciation methodology, and marginal Federal income tax rates for a specific exemption petition will be those prescribed by Federal law in effect (or those tax parameters which are known with certainty will be in effect) at the time a decision is rendered. (However, if an investment tax credit expires in a certain year under the law which is in effect at the time the petition is submitted, the petitioner must assume that it will in fact expire in that year.)

(7) If powerplants are being compared, the design capacities or the maximum sustained energy per unit of time that could be produced must be the same. If installations are being compared, the maximum sustained energy per unit of time that could be produced must be the same.

(8) All estimated cash outlays must be computed in accordance with generally accepted accounting principles consistently applied.

(9) The scope of the estimates of relevant costs (as discussed above) of units being compared must be the same.

(10) All allowances for uncertainty and risk in the cost estimates must be explicit.

(11) All cash outlays must be net of any government subsidies or grants.

(e) *Evidence in support of the cost calculation.* Petitioners for an exemption which requires the use of the cost calculation shall certify that the cost of using alternate fuel substantially exceeds the cost of using oil as primary energy source as calculated in this section. A brief summary of the petitioner's supporting calculations and estimates shall be submitted with the certification. The summary should include the following:

(1) Cash outlays, Investment tax credits, depreciation methodologies, and anticipated salvage for capital investments including a description of all major construction and equipment;

(2) Annual cash outlays for operations and maintenance expenses including the formulas used to compute them; and

(3) Annual cash outlays for delivered fuel expenses including the formulas used to compute them.

§ 503.7 State approval—general requirement for new powerplants.

(a) Where approvals by the appropriate State regulatory authority are required prior to the construction or use of a new powerplant, a petition for an exemption for consideration by ERA may be submitted to ERA prior to obtaining such approvals from the State regulatory authority.

(b) An exemption granted for a powerplant shall not become effective until an adequate demonstration has been made to ERA that all applicable approvals required by the State regulatory authorities have been obtained.

§ 503.8 No alternate power supply—general requirement for certain exemptions for new powerplants.

(a) *Application.* To qualify for an exemption, except in the case of an exemption for peakload powerplants, or an exemption for cogeneration units, section 213(c) of the Act requires a demonstration that despite reasonable good faith efforts, there is no alternative supply of electric power available within a reasonable distance at a reasonable cost without impairing short-run or long-run reliability of service. If a petitioner is unable to demonstrate that there is no alternate supply during the first year of operation, ERA will conclude that the absence of the proposed powerplant will not impair short-term reliability of service, and as a result will not grant the exemption. Such action would not impair long-term reliability of service, since a petition may be submitted for a powerplant that would begin operation in a subsequent year.

(b) *Criteria.* To meet the demonstration required under paragraph

(a) of this section, a petitioner must certify that:

(1) A diligent effort has been made to purchase firm power for the first year of operation to cover all or part of the projected shortfall at a cost that is less than ten (10) percent above the annualized cost of generating power from the proposed plant (including the capital, operation and maintenance expenses, and fuel at imported petroleum prices); and

(2)(i) Despite these efforts, the reserve margin in the petitioner's electric region, normal dispatch area, or service area, in the absence of the proposed plant, would fall below twenty (20) percent during the first year of proposed operation; or

(ii) Despite these efforts, the reserve margin will be greater than twenty (20) percent but reliability of service would be impaired. In such case, the certification must be related to factors not included in the calculation of reserve margin, such as transmission constraints.

(c) *Evidence.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certification required under paragraph (b) of this section; and

(2) Exhibits containing the basis for the certification submitted under this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support its certification to this general requirement).

(d) *FERC consultation.* ERA will forward a copy of any petition for which a showing is required under this section to FERC promptly after it is filed with ERA, and ERA will consult with FERC before making the no alternate supply of power finding.

§ 503.9 Use of mixtures—general requirement for certain permanent exemptions.

(a) *Criteria.* To qualify for a permanent exemption, except in the case of an exemption for peakload powerplant or fuel mixtures, Section 213(a)(1) of the Act requires a demonstration that the use of a mixture of natural gas and petroleum and an alternate fuel, for which an exemption under 10 CFR 503.38 (Fuel mixtures) would be available, would not be economically or technically feasible.

(b) *Evidence.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications to the criteria set forth in paragraph (a) of this section; and

(2) Exhibits containing the basis for the certifications submitted under this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support its certifications to this general requirement.)

Note.—It meeting this general requirement, ERA will require a petitioner to examine only mixtures of oil and coal and natural gas and coal, or, where petitioner wishes to examine an additional or substitute mixture, such other alternate fuels as ERA and the petitioner agree are reasonable to petitioner's circumstances.

§ 503.10 Use of fluidized bed combustion not feasible—general requirement for permanent exemptions.

(a) *ERA finding.* Except in the case of an exemption for peakload powerplants or fuel mixtures, ERA may deny permanent exemptions authorized under Section 212 of the Act if ERA finds on a site-specific or generic basis that use of a method of fluidized bed combustion of an alternate fuel is economically and technically feasible.

(b) *Demonstration.* If ERA has made such a finding, ERA will deny a petitioner's request for exemption unless the petitioner demonstrated that the use of a method of fluidized bed combustion is not economically or technically feasible. The petition or any supplement thereto required by ERA must include the following evidence:

(1) If use of a method of fluidized bed combustion were to be required, evidence that the petitioner would be eligible for a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, lack of adequate capital, or state or local requirements; or

(2) Use of a method of fluidized bed combustion is not technically or economically feasible due to design or special circumstances.

§ 503.11 Alternative sites—general requirement for permanent exemptions for new powerplants.

(a) *Criteria.* In the case of a powerplant, to qualify for a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, or inadequate capital, section 212(a) of the Act requires a demonstration that one of these exemptions would be available at any reasonable alternative site for the facility.

(b) *Evidence.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications to the criteria set forth in paragraph (a) of this section; and

(2) Exhibits containing the basis for the certifications submitted under this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support its certifications to this general requirement).

§ 503.12 Terms and conditions; compliance plans.

(a) *Terms and conditions generally.* A petitioner must comply with any terms and conditions imposed upon the grant of an exemption petition. ERA will limit any such terms and conditions to the unit(s) which is the subject of the petition.

(b) *Compliance plans for temporary exemptions.* (1) Any compliance plan required to accompany a petition for a temporary exemption shall include the following:

(i) A detailed schedule of progressive events and the dates upon which the events are to take place, indicating how compliance with the applicable prohibitions of the Act will occur;

(ii) Evidence of binding contracts for fuel, or for facilities for the production of fuel, which are required for compliance with the applicable prohibitions of the Act;

(iii) A schedule indicating how any necessary permits and approvals required to burn an alternate fuel will be obtained; and

(iv) Any other documentary evidence which indicates an ability to comply with the applicable prohibitions of the Act.

(2) Any exemption for which a compliance plan is required shall not be effective until the compliance plan is approved by DOE.

(3) If the petition is granted, an updated, duly executed plan must be submitted to ERA within one (1) month of an alteration of any milestone in the compliance plan, together with the reasons for the alteration and its impact upon the scheduling of all other milestones in the plan.

§ 503.13 Environmental impact analysis.

In order to enable ERA to comply with NEPA, a petitioner must include the information indicated in this section if a permanent exemption is requested. Material which has been prepared pursuant to any Federal, State or local requirement for environmental information for this unit or site may be incorporated by reference and appended to the petition. Guidelines issued by ERA for environmental reports should

be used in preparing this analysis (44 FR 63740, November 5, 1979). These guidelines, which are also available in the ERA public document room, have been designed to insure that environmental reports follow the format prescribed by Council on Environmental Quality final regulations implementing NEPA. The guidelines are subject to discussion at a prepetition conference and to modification according to the facts of a particular case.

(a) Except as provided in paragraph (b) of this section, all petitions for permanent exemptions must contain the following information:

(1) A description of the facility, including the site location, and surroundings (and, in the case of new powerplants, alternative site(s)), the facility's current proposed operations, its fuel capability, and its pollution abatement systems and equipment (including those systems and equipment necessary for all fuel scenarios considered);

(2) A description of the existing environment, including air, water, and land resources;

(3) Direct and indirect environmental impacts of the proposed action including impacts of alternative fuel scenarios, and no build alternatives.

(4) Regulatory requirements governing the facility, including a description of Federal, State and local requirements for air, water, noise and solid waste disposal which must be met for each fuel considered.

(b) For exemptions for lack of alternate fuel supply where use of an MFBI will not exceed 600 hours per year, fuel mixtures where an MFBI will burn less than 25 percent oil or natural gas, peakload powerplants, emergency purposes, and scheduled equipment outages where an MFBI will be operated less than 28 days per year, the information enumerated below is to be submitted in lieu of the information required by paragraph (a) of this section. However, submission of the following information merely establishes a rebuttable presumption that the grant or denial of the exemption would have no significant environmental impact. ERA may, in individual cases, during the course of the administrative proceeding, determine that additional environmental information is required. In such cases, the petitioner will be required to submit the information described in paragraph (a) of this section.

(1) A certification that the petitioner will, prior to operating the unit under the exemption, secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act, Resource Conservation and Recovery Act; and

(2) Information required by the following environmental checklist must be provided and certified as accurate:

Environmental Checklist for FUA Certification Exemptions Instructions

All questions are to be answered by placing a check in the appropriate box. N/A represents (not applicable). Although it is not required, the petitioner may elaborate on any question in writing on a separate sheet of paper.

	Yes	No	N/A
(1) Is your facility located in, or will it affect a wetland (Protection of Wetlands Executive Order No. 11990)?			
(2) Is your facility located in, or will it affect, a 100-year floodplain (Floodplain Management Executive Order No. 11988)?			
(3) Will your facility affect a designated wild, scenic, or recreation river (Wild and Scenic Rivers Act)?			
(4)(A) Is your facility located within a county in which critical habitat for threatened or endangered species are known to exist (Endangered Species Act)?			
(4)(B) Has a qualified biologist determined that your facility will not affect any species on the Threatened and Endangered Species list?			
(5) Is your facility located on, or will it affect land that has been classified as prime or unique farmland or rangeland by the U.S. Department of Agriculture?			
(6) Is your facility located on, or will it affect, historical archaeological, or cultural resources that have been designated pursuant to the National Historic Preservation Act?			

§ 503.14 Fuels search.

Prior to submitting a petition for a permanent exemption for lack of alternate fuel supply, site limitations, inadequate capital, state or local requirements, intermediate load powerplant, or scheduled equipment outages for over 28 days, a petitioner must perform a fuels search by examining the use of conventional solid coal as a primary energy source at the site under consideration, and, for powerplants, at reasonable alternative sites. Where a petitioner believes that its use of such coal would be infeasible, however, and where ERA and the petitioner can reach accord, it may evaluate use of a different alternate fuel in lieu of solid coal. A petitioner for these exemptions must demonstrate for any fuel examined that he would qualify for an exemption.

Subpart C—Temporary Exemptions for New Facilities

§ 503.20 Purpose and scope.

(a) This subpart implements the provisions contained in Section 211 of the Act with regard to temporary exemptions for new facilities.

(b) This subpart establishes the criteria and standards which owners or operators of new powerplants and installations who petition for a temporary exemption must meet to sustain their burden of proof under the Act.

(c) All petitions for temporary exemptions shall be submitted in accordance with the procedures set out in Part 501 of this chapter and the applicable requirements of Part 503 of these regulations.

(d) The duration of any temporary exemption granted under this subpart shall be measured from the date that the facility is placed in service using petroleum or natural gas.

§ 503.21 Lack of alternate fuel supply.

(a) *Eligibility.* Section 211(a)(1) of the Act provides for a temporary exemption due to the unavailability of an adequate and reliable supply of an alternate fuel at a cost which does not substantially exceed the cost of using imported petroleum. To qualify, a petitioner must certify that:

(1) A good faith effort has been to obtain an adequate and reliable supply of an alternate fuel of the quality necessary to conform to the design and operational requirements of the unit;

(2) For the period of the proposed exemption, the cost of using such alternate fuel would substantially exceed the cost of using imported petroleum as a primary energy source as defined in § 503.6 (Cost calculation) of these regulations;

(3) The petitioner will be able to comply with the applicable prohibitions of the Act at the end of the proposed exemption period; and

(4) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient

to support the granting of this exemption);

(3) All data required by § 503.6 (cost calculation) of these regulations necessary for computing the cost calculation formula; and

(4) The anticipated duration of the lack of alternate fuel supply which constitutes the basis for the exemption.

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 600 full load hours on an annual basis, the petitioner may substitute, in lieu of the requirements in paragraph (b) of this section, a duly executed certification that the unit will be operated less than 600 full load hours annually during the period of the exemption.

Note.—Under this subsection, a petitioner may qualify for the certification alternative even if the installation is operated more than 600 hours per year, so long as the installation does not burn more fuel than it would require at full load for 600 hours.

(d) *Duration.* This temporary exemption, taking into account any extensions or renewals, may not exceed 10 years.

§ 503.22 Site limitations.

(a) *Eligibility.* Section 211(a)(2) of the Act provides for a temporary exemption due to a site limitation. To qualify for such an exemption, a petitioner must certify that:

(1) One or more specific physical limitations relevant to the location or operation of the proposed facility exist which, despite diligent good faith efforts, cannot be overcome before the end of the proposed exemption period;

(2) The petitioner will be able to comply with the applicable prohibitions of the Act at the end of the proposed exemption period; and

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

Note.—Examples of the types of site limitations to which a petitioner may certify in order to qualify for this exemption include:

(i) Inaccessability of alternate fuels as a result of a specific physical limitation;

(ii) Unavailability of transportation facilities for alternate fuels;

(iii) Unavailability of adequate land or facilities for handling, using, or storing an alternate fuel;

(iv) Unavailability of adequate land or facilities for controlling and disposing of wastes, including pollution control equipment or devices necessary to assure compliance with applicable environmental requirements;

(v) Unavailability of adequate and reliable supply of water, including water for use in compliance with applicable environmental requirements; or

(vi) Other site limitations exist which will not permit the location or operation of the proposed unit using an alternate fuel.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) The anticipated duration of the site limitation which constitutes the basis for the exemption.

(c) *Duration.* This temporary exemption, taking into account any extensions and renewals, may not exceed five years.

§ 503.23 Inability to comply with applicable environmental requirements.

(a) *Eligibility.* Section 211(a)(3) of the Act provides for a temporary exemption due to an inability to comply with applicable environmental requirements. To qualify a petitioner must demonstrate that despite diligent good faith efforts:

(1) The petitioner will be unable, as of the projected date of commencement of operation, to comply with the applicable prohibitions of the Act without violating applicable Federal or State environmental requirements; and

(2) The petitioner will be able to comply with the applicable prohibitions of the Act and with applicable environmental requirements by the end of the temporary exemption period.

Note.—(1) For purposes of considering an exemption under this section, ERA's decision will be based solely on an analysis of the petitioner's capacity to physically achieve applicable environmental requirements. The petition should be directed toward those conditions or circumstances which make it physically impossible to comply during the temporary exemption period. The cost of compliance is not relevant, but cost-related considerations may be presented as part of a demonstration submitted under § 503.21.

(2) Prior to submitting an exemption petition, it is recommended that a meeting be requested with ERA and EPA or the appropriate State or local regulatory agency to discuss options for operating an alternate fuel fired facility in compliance with applicable environmental requirements.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Where the petitioner has applied for a construction permit from EPA or an appropriate State agency prior to petitioning for an exemption under this section, a copy of that application and synopsis of supporting documents filed with or subsequent to that application must be submitted to ERA with the petition or at the time filed with the permitting agency;

(2) To the extent applicable, a copy of the EPA or State denial of the construction permit application;

(3) To the extent applicable, a synopsis of the administrative record of the EPA or State or local permit proceedings;

(4) To the extent applicable, a summary of the technology upon which the denial was based, including a performance comparison between the proposed technology and that technology which would provide the maximum possible reduction of pollution;

(5) An examination of the environmental compliance of the facility, including an analysis of its ability to meet applicable standards and criteria when using both the proposed fuel and the alternate fuel(s) which would provide the basis for exemption. All such analysis must be based on accepted analytical techniques, such as air quality modeling, and reflect current conditions of the area which would be affected by the facility. The petitioner is responsible for obtaining the necessary data to accurately characterize these conditions. Environmental compliance must be examined in the context of available pollution control equipment which would provide the maximum possible reduction of pollution. The analysis must contain: (i) Requests for bids and other inquiries made and responses received by the petitioner concerning the availability and performance of pollution control equipment; (ii) contracts signed, if any, for an alternate fuel supply and for the purchase and installation of pollution control equipment; or (iii) other comparable evidence such as technical studies documenting the efficacy of equipment to meet applicable requirements;

(6) An examination of any regulatory options available to the petitioner in seeking to achieve environmental compliance (such as offsets, variances, and State Implementation Plan revisions);

(7) Any other documentation which demonstrates an inability to comply

with applicable environmental requirements;

(8) For powerplants, no alternate power supply as required under § 503.8;

(c) *Duration.* This temporary exemption, taking into account any extension and renewals, may not exceed 5 years.

(d) *Certification alternative.* (1) To qualify for this exemption, in lieu of meeting the evidentiary requirements of paragraph (b) of this chapter, a petitioner may certify that, for the period of the exemption:

(i) The site for the facility is or will be located in a Class I area or Class II area in which the allowable increment established by law has been consumed, as defined in Part C of the Clean Air Act; the use of an alternate fuel will cause or contribute to concentrations of pollutants which would exceed the maximum allowable increases in a Class I or Class II area even with the application of best available control technology; the site for the facility is or will be located in a non-attainment area as defined in Part D of the Clean Air Act for any pollutant which would be emitted by the facility; or, even with the application of the lowest achievable emission rate, the use of an alternate fuel will cause or contribute to concentrations in an air quality control region, of a pollutant for which any national ambient air quality standard is or would be exceeded; and

(ii) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(2) A petition by certification under this paragraph must include:

(i) Duly executed certifications required under subparagraph (d)(1) of this section;

(ii) Exhibits containing the basis for the certifications required under paragraph (d)(1) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(iii) The anticipated duration of the circumstances which constitute the basis for the exemption.

§ 503.25 Future use of synthetic fuels.

(a) *Eligibility.* Section 211(b) of the Act provides for a temporary exemption based upon the future use of synthetic fuels. To qualify, a petitioner must certify that:

(1) The petitioner will be able to comply with the applicable prohibitions imposed by the Act by the use of a synthetic fuel derived from coal or another alternate fuel as a primary energy source in the proposed facility by the end of the proposed exemption period;

(2) The petitioner will not be able to comply with the applicable prohibitions imposed by the Act by use of a synthetic fuel until the end of the proposed exemption period; and

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) A preliminary compliance plan, including to the extent available, the information required under § 503.12.

(c) *Final Compliance Plan.* Before an exemption may become effective, the petitioner must submit and ERA must approve a final compliance plan as required by § 503.12.

(d) *Duration.* This temporary exemption may be granted for a period of up to ten (10) years. Unless the petitioner requests otherwise, any temporary exemption from the fuel use prohibitions of the Act for the future use of synthetic fuels will commence on the date of commercial operation of the facility.

Note.—Contracts based on the anticipated successful demonstration of a development program and/or the anticipated economic feasibility of a synthetic fuels facility, will generally be sufficient to meet the "binding contract" requirements for this exemption.

§ 503.25 Public interest.

(a) *Eligibility.* Section 211(c) of the Act provides for a temporary public interest exemption. To qualify, a petitioner must demonstrate that:

(1) The unit will be capable of complying with the applicable prohibitions at the end of the proposed exemption period;

(2) The granting of the exemption would be in accord with the purposes of the Act and would be in the public interest; and

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Substantial evidence to corroborate the eligibility requirements identified above; and

(2) The anticipated duration of the circumstances which constitute the basis for the exemption.

(c) *Certification alternative.* If the petitioner requires use of oil or natural gas in a unit, during the construction of an alternate-fuel fired unit, the petitioner may substitute, in lieu of the evidentiary requirements of paragraphs (b)(1) and (2) of this section: (1) A duly executed certification, including the requested duration of the exemption, that the unit will be operated on oil or natural gas only during the construction of an alternate fuel fired unit to be owned or operated by the petitioner; and

(2) Exhibits containing the basis for the certifications required under paragraph (c)(1) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption.)

(d) *Duration.* This temporary exemption, taking into account extension and renewals, may not exceed 5 years.

Subpart D—Permanent Exemptions for New Facilities

§ 503.30 Purpose and scope.

(a) This subpart implements the provisions contained in Section 212 of the Act with regard to permanent exemptions for new facilities.

(b) This subpart establishes the criteria and standards which owners or operators of new powerplants and installations who petition for a permanent exemption must meet to sustain their burden of proof under the Act.

(c) All petitions for permanent exemptions for new facilities shall be submitted in accordance with the procedures set out in Part 501 of this chapter and the applicable requirements of Part 503 of these regulations.

§ 503.31 Lack of alternate fuel supply for the first 10 years of useful life.

(a) *Eligibility.* Section 212(a)(1)(A)(i) of the Act provides for a permanent exemption due to lack of an adequate and reliable supply of alternate fuel within the first 10 years of useful life of the proposed unit. To qualify, a petitioner must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the

design and operational requirements of the unit;

(2) Such a supply is not likely to be available within the first 10 years of useful life of the proposed unit;

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(5) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of a petition.* A petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

§ 503.32 Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

(a) *Eligibility.* Section 212(a)(1)(A)(ii) of the Act provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. To qualify a petitioner must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of these regulations;

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(5) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragrapah (a) of this section;

(2) Exhibits containing the basis for certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations;

(4) Fuels search, as required under § 503.14 of these regulations; and

(5) All data required by § 503.6 (cost calculation) of these regulations necessary for computing the cost calculation formula.

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 600 full load hours on an annual basis, the petitioner may submit, in lieu of the requirements of paragraph (b) of this section, the following duly executed certifications:

(1) The unit will be operated less than 600 full load hours annually;

(2) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

Note.—Under this subsection, a petitioner may qualify for the certification alternative even if the installation is operated more than 600 hours per year, so long as the installation does not burn more fuel than it would require at full load for 600 hours.

§ 503.33 Site limitations.

(a) *Eligibility.* Section 212(a)(1)(B) of the Act provides for a permanent exemption due to site limitations. To qualify for such an exemption, a petitioner must certify that:

(1) One or more specific physical limitations relevant to the location or operation of the proposed facility exist which, despite good faith efforts, cannot reasonably be expected to be overcome within five years after commencement of operations;

(2) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(3) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(4) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

Note.—Examples of the types of site limitations to which a petitioner may certify in order to qualify for this exemption include:

(i) Inaccessibility of alternate fuels as a result of a specific physical limitation;

(ii) Unavailability of transportation facilities for alternate fuels;

(iii) Unavailability of adequate land or facilities for handling, using or storing an alternate fuel;

(iv) Unavailability of adequate land or facilities for controlling and disposing of wastes, including pollution control equipment or devices necessary to assure compliance with applicable environmental requirements;

(v) Unavailability of adequate and reliable supply of water, including water for use in compliance with applicable environmental requirements; or

(vi) Other site limitations exist which will not permit the location or operation of the proposed unit using an alternate fuel.

(b) *Evidence required in support of the petition.* A petitioner must include in the petition the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

§ 503.34 Inability to comply with applicable environmental requirements.

(a) *Eligibility.* Section 212(a)(1)(C) of the Act provides for a permanent exemption due to the inability to comply with applicable environmental requirements. To qualify, a petitioner must demonstrate that despite good faith efforts:

(1) The petitioner will be unable within 5 years after beginning operation, to comply with the applicable prohibitions imposed by the Act without violating applicable Federal or state environmental requirements; and

(2) In the case of powerplants, reasonable alternative sites, which would permit the use of alternate fuels in compliance with applicable Federal or state environmental requirements, are not available.

Note.—(1) For purposes of considering an exemption under this section, ERA's decision will be based solely on an analysis of the petitioner's capacity to physically achieve applicable environmental requirements. The cost of compliance is not relevant, but cost-related considerations may be presented as part of a demonstration submitted under § 503.32 (Lack of alternate fuel supply).

(2) Prior to deciding to submit an exemption petition, it is recommended that a petitioner request a meeting with ERA and EPA or the appropriate state or local regulatory agency to discuss options for operating an alternate fuel-fired facility in compliance with the applicable environmental requirements.

(c) *Evidence required in support of a petition.* The petitioner must include in the petition the following evidence in order to make the demonstration required by this section:

(1) Where the petitioner has applied for a construction permit from EPA or an appropriate state agency prior to petitioning for an exemption from ERA under this section, a copy of such application and a synopsis of all supporting documents filed with or subsequent to the application must be submitted to ERA with the petition or at the time filed with the permitting agency;

(2) To the extent applicable, a copy of the EPA or state denial of the construction permit application;

(3) To the extent applicable, a synopsis of the administrative record of the EPA or state or local permit proceedings;

(4) To the extent applicable, a summary of the technology upon which the denial was based, including a performance comparison between the proposed technology and that technology which provides the maximum possible reduction of pollution;

(5) An examination of the environmental compliance of the facility, including an analysis of its ability to meet applicable standards and criteria when using both the proposed fuel and the alternate fuel(s) which would provide the basis for the exemption. All such analysis must be based on accepted analytical techniques, such as air quality modeling, and reflect current conditions of the area which would be affected by the facility. The petitioner is responsible for obtaining the necessary data to accurately characterize these conditions. Environmental compliance must be examined in the context of available pollution control equipment which would provide the maximum possible reduction of pollution. The analysis must contain: (i) Requests for bids and other inquiries made and responses received by the petitioner concerning the availability and performance of pollution control equipment; or (ii) other comparable evidence such as technical studies documenting the efficacy of equipment to meet applicable requirements;

(6) An examination of any regulatory options available to the petitioner in seeking to achieve environmental compliance (such as offsets, variances and State Implementation Plan (SIP) revisions); and

(7) Any other documentation which demonstrates an inability to comply with applicable environmental requirements;

(8) For powerplants, no alternate power supply exists as required under § 503.8 of these regulations;

(9) Use of mixtures is not feasible, as required under § 503.9 of these regulations;

(10) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations;

(11) Environmental impact analysis, as required under § 503.13 of these regulations; and

(12) Fuels search, as required under § 503.14 of these regulations.

(d) *Certification alternative.* (1) To qualify for this exemption, in lieu of meeting the evidentiary requirements of paragraph (c) of this section, a petitioner may certify that:

(i) The site for the facility is or will be located in a Class I area or Class II area in which the allowable increment established by law has been consumed, as defined in Part C of the Clean Air Act; the use of an alternate fuel will cause or contribute to concentrations of pollutants which would exceed the maximum allowable increases in a Class I or Class II area even with the application of best available control technology; the site for the facility is or will be located in a non-attainment area as defined in Part D of the Clean Air Act for any pollutant which would be emitted by the facility; or, even with the application of the lowest achievable emission rate, the use of an alternate fuel will cause or contribute to concentrations in an air quality control region of a pollutant for which any national ambient air quality standard is or would be exceeded;

(ii) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(iii) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations; and

(iv) Use of mixtures is not feasible, as required under § 503.19 of these regulations.

(2) A petition by certification under this paragraph must include:

(i) Duly executed certifications required under paragraph (d)(1) of this section;

(ii) Exhibits containing the basis for the certifications required under paragraph (d)(1) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(iii) Environmental impact analysis, as required under § 503.13 of these regulations; and

(iv) Fuels search, as required under § 503.14 of these regulations.

§ 503.35 Inability to obtain adequate capital.

(a) *Eligibility.* Section 212(a)(1)(D) of the Act provides for a permanent exemption due to inability to obtain adequate capital. To qualify, a petitioner must certify that:

(1) Despite good faith efforts the petitioner will be unable to comply with the applicable prohibitions imposed by the Act because the additional capital required for an alternate fuel-capable unit beyond that required for the proposed unit cannot be raised;

(2) In the case of powerplants, this additional capital cannot be raised due to specific restrictions (e.g., convenants on existing bonds) which constrain management's ability to raise debt or equity capital;

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(5) For powerplants, alternative sites are not available, as required under § 503.11 of these regulations.

(b) *Evidence required in support of a petition.* A petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

§ 503.36 State of local requirements.

(a) *Eligibility.* Section 212(b) of the Act provides for an exemption due to certain State or local requirements. To qualify a petitioner must certify that:

(1) With respect to the proposed site of the unit, the operation or construction of the new unit using an alternate fuel is infeasible because of a State of local

requirement other than a building code, nuisance, or zoning law;

(2) The petitioner has made a good faith effort to obtain a variance from the State or local requirement but has been unable to do so or has demonstrated why none is available;

(3) The granting of the exemption would be in the public interest and would be consistent with the purposes of the Act;

(4) In the case of powerplants, (i) the petitioner is not entitled to an exemption for lack of alternate fuel supply, site limitation, environmental requirements, or inability to obtain adequate capital at the site of the proposed powerplant or at any reasonable alternative site for the alternate fuel(s) considered; and (ii) at the proposed site and every reasonable alternative site where the petitioner is not entitled to an exemption for lack of alternate fuel supply, site limitation, environmental requirements, or inability to obtain adequate capital, the petitioner nevertheless would be barred at each such proposed or alternate site from burning an alternate fuel by reason of a State or local requirement.

(b) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations; and

(6) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

§ 503.37 Cogeneration

(a) *Eligibility.* Section 212(c) of the Act provides for a permanent exemption for cogeneration. To qualify, the petitioner must demonstrate that the economic and other benefits of cogeneration are unobtainable unless petroleum or natural gas, or both, are used, by:

(1) Certifying that:

(i) The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility where the calculation of savings is in accordance with paragraph (b) of this section; and

(ii) Use of mixtures is not feasible, as required under § 503.9 of these regulations; or

(2) Demonstrating that:

(i) It would be in the public interest to grant an exemption to the cogeneration facility because of special circumstances such as technical innovation or maintaining industry in urban areas; and

(ii) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Calculation of oil and gas savings.* There is an oil and gas savings if the oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility. The calculation of the oil and gas which would otherwise be consumed must be in accordance with paragraphs (c) (1) and (2) of this section.

(1) Except for the case described in paragraph (c) (2) of this section, the oil or gas which would otherwise be consumed must be calculated as follows:

(i) You may include the oil or gas that would be consumed by facilities that are or would be too small to be covered by the FUA regulations. In the case of new small industrial units, you must demonstrate that it would be reasonable to construct units of that size.

(ii) You may include the oil or gas that would be consumed by units in place (existing or exempt) covered by FUA if they are less than 40 years old in the case of a field-erected unit or less than 20 years old in the case of a package unit. In the case of existing units, you may not include units that have burned an alternate fuel or are capable of burning an alternate fuel, and, you may only include units described by this paragraph if they will be retired or shut down if this exemption is granted.

(iii) You may include the oil or gas that would be consumed by units not yet constructed that would be covered by the FUA regulations if you can demonstrate that each unit would be entitled to an exemption.

(iv) You may include the oil or gas that would be consumed by powerplants to generate electricity supplied to the grid to the extent that such electricity, if you cogenerate, will no longer be supplied by the grid. The oil or gas portion must be based on a 10 year forecast that includes new construction and retirement of plants within those 10 years.

(2) In the case of a cogeneration facility that would consist of an existing unit or an exempted unit and a new unit, you must calculate the amount of oil or gas that would otherwise be consumed as the sum of:

(i) The five-year annual average oil or gas consumption of the existing or exempted unit; and

(ii) The amount that would be consumed in units described in paragraphs (b)(1)(i)–(iv) of this section that would now be satisfied by the new cogeneration facility.

(c) *Evidence required in support of a petition.* The petition must include the following:

(1) To make the demonstration required by subparagraph (a)(1) of this section:

(i) Duly executed certifications required under that subparagraph;

(ii) Exhibits containing the basis for the certifications required under that subparagraph (including those factual and analytical materials deemed by the petitioner to be sufficient to support the grant of this exemption); and

(iii) Environmental impact analysis, as required under § 503.13 of these regulations; or

(2) To make the demonstration required by subparagraph (a)(2) of this section:

(i) An explanation of the public interest factors the petitioner believes should be considered by ERA; and

(ii) Environmental impact analysis, as required under § 503.13 of these regulations.

(d) *Exercise of discretion by ERA.* ERA may refuse to grant this exemption to you if it determines that such grant would not be in the public interest or in accordance with the purposes of the Act, notwithstanding the fact that the evidence you have furnished to ERA in your exemption petition substantiates that your facility would otherwise be eligible to receive the exemption.

§ 503.38 Permanent exemption for certain fuel mixtures containing natural gas or petroleum.

(a) *Eligibility.* Section 212(d) of the Act provides for a permanent exemption for certain fuel mixtures. To qualify a petitioner must certify that:

(1) The petitioner proposes to use a mixture of natural gas or petroleum and an alternate fuel as a primary energy source;

(2) The amount of petroleum or natural gas proposed to be used in the mixture will not exceed the minimum percentage of the total annual Btu heat input of the primary energy sources needed to maintain operational reliability of the unit consistent with

maintaining a reasonable level of fuel efficiency; and

(3) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Minimum Percentage.* In the case of MFBI's, if the exemption is granted, ERA will not require that the percentage of petroleum or natural gas used in the mixture be less than 25 percent of the total annual Btu heat input of the primary energy sources used by an installation.

(c) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) A description of the fuel mixture, including component fuels and the percentage of each such fuel to be used; and

(4) Environmental impact analysis as required under § 503.13 of these regulations.

(d) *Certification alternative for use of mixture containing less than 25 percent petroleum or natural gas by an installation.* If an installation will use a mixture containing less than 25 percent petroleum or natural gas, the petitioner may, in lieu of the requirements of paragraph (c) of this section, substitute the following:

(1) A duly executed certification stating that the amount of petroleum or natural gas proposed to be used as a primary energy source in the mixture will not exceed twenty-five (25) percent of the total annual Btu heat input of the installation; and

(2) The environmental certifications, as required under § 503.13(b) of these regulations.

(e) *Solar mixtures.* ERA will grant a permanent mixtures exemption for the use of a mixture of solar energy (including wind, tide, and other intermittent sources) and petroleum or natural gas, where:

(1) Solar energy will account for at least 20 percent of the total annual Btu heat input, of the primary energy sources of the unit; and

(2) Petitioner meets the eligibility and evidentiary requirements of paragraphs (a) and (c) of this section.

§ 503.39 Emergency purposes.

(a) Eligibility. Section 212(e) of the Act provides for a permanent exemption for emergency purposes. To qualify a petitioner must certify that: (1) It will operate and maintain the proposed unit for emergency purposes only; (2) For powerplants, no alternate power supply exists, as required under § 503.8 of these regulations; and (3) Use of mixtures is not feasible, as required by § 503.9 of these regulations.

(b) *Definition.* For the purposes of this permanent exemption, an emergency exists when:

(1) Operation of an oil or gas fired installation or the non-electric generating operation of a cogenerating facility is necessary for:

(i) Plant protection;

(ii) The preservation of human health; or

(iii) Continued facility production which otherwise would be reduced due to, for example, an interruption of alternate fuel supplies, equipment failures, imminent equipment failures, or temporary environmental restrictions; and

(2) An operating electric utility would be required to curtail electric supply (a utility operating hydroelectric facilities may take into account seasonal fluctuations in storage capacity and shall be permitted to prevent depletion of stored power-producting capacity as deemed necessary by the utility.)

(c) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

§ 503.40 Permanent exemption for powerplants necessary to maintain reliability of service.

(a) *Eligibility.* Section 212(f) of the Act provides for a permanent exemption necessary to maintain reliability of service. To qualify, a petitioner must certify that:

(1) Petitioner is not able to construct an alternate fuel fired unit in time to prevent an impairment of reliability of service;

(2) Despite diligent good faith efforts, the petitioner is not able to make the demonstration necessary to obtain a permanent exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital, or State and local requirements, in the time required to prevent an impairment of reliability of service;

(3) No alternate power supply exists, as required under § 503.8 of these regulations; and

(4) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Impairment of reliability of service.* For purposes of paragraphs (a) (1) and (2) of this section, impairment of reliability of service may be calculated as measured by the loss of load probability technique (LOLP).

(1) The LOLP must be computed for petitioner's electrical region, normal dispatch area or normal service area using any 12-month period that includes the date of initial operation. It is to be calculated as the sum of either the weekly or the monthly estimates of hourly load/capacity deficits. The calculation may be performed using either weekly or monthly data. The LOLP calculation must take into consideration equipment forced outage rates, projected customer electrical demand, and generating capacity projections for the electrical region, including existing generating capacity, planned generating capacity additions and projected firm bulk electrical purchases and sales, and projected retirements. If necessary, LOLP may also be calculated with modifications to account for transmission constraints, energy shortages and other factors that are not adequately addressed by adhering to the foregoing specifications. A petitioner will need to discuss why such modifications are appropriate.

(2) Reliability of service will be considered impaired if the LOLP for a 12-month period, including the initial operational date of the proposed unit, is greater than one day in ten (10) years. For the purpose of calculation of LOLP, if a capacity deficit occurs one or more times in one day, such an event constitutes a one-day loss of load.

(3) A petitioner may choose to argue that his case for impaired reliability is supportable by criteria other than those contained in this subsection. If so, such argument must be presented, and an approach proposed for its justification, in a prepetition conference for ERA concurrence.

(c) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) Environmental impact analysis, as required under § 503.13 of these regulations.

§ 503.41 Peakload powerplants.

(a) *Eligibility*—(1) *Proposed use of petroleum.*—Section 212(g) of the Act provides for a permanent exemption for peakload powerplants if a petitioner proposes to use petroleum as a primary energy source in a new peakload powerplant, and construct the unit without the capability to use an alternate fuel as a primary energy source. To qualify, a petitioner must certify to ERA that the powerplant will be operated solely as a peakload powerplant.

(2) *Proposed use of natural gas.* Section 212(g) of the Act provides for a permanent exemption for peakload powerplants if a petitioner proposes to use natural gas as a primary energy source in a new peakload powerplant, and to construct the unit without the capability to use an alternate fuel as a primary energy source. To qualify—

(i) A petitioner must certify to ERA that the powerplant will be operated solely as a peakload powerplant; and

(ii) The Administrator of the EPA or the appropriate State air pollution control agency must certify that the use by the powerplant of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption); and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

§ 503.42 Intermediate load powerplants.

(a) *Eligibility.* Section 212(h) of the Act provides for an exemption for use of the petroleum as a primary energy source by intermediate load powerplants. To qualify, a petitioner must certify that:

(1) The Administrator of the EPA or the appropriate State air pollution control agency has certified that the use of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within such region, of a pollutant for which any national ambient air quality standard is or would be exceeded as described in paragraph (c) of this section;

(2) The powerplant to be constructed and operated will replace no more than the equivalent generating capacity of existing units which:

(i) Permanently cease operation within one month of commencement of operation of the new powerplant;

(ii) Use natural gas or petroleum as a primary energy source;

(iii) Are owned by the same person who is to operate the new powerplant; and

(iv) Would, if they burned coal, cause or contribute to a pollutant concentration in a manner described in paragraph (a)(1) of this section;

(3) The powerplant is to be operated only as an intermediate load powerplant in which the electrical generation (in kilowatt hours) for any 12-calendar-month period shall not exceed the powerplant's design capacity multiplied by 3,500 hours;

(4) The net heat input rate for the powerplant will be maintained at or less than 9,500 Btu's per kilowatt hour throughout the useful life of the powerplant;

(5) A petitioner is not entitled to any exemption for lack of alternate fuel supply, site limitations, environmental requirements, inadequate capital, or State and local requirements, at the site of the proposed powerplant or at any reasonable alternate site;

(6) The powerplant is to be constructed with the capability to use a synthetic fuel derived from an alternate fuel as a primary energy source;

(7) Use of mixtures is not feasible, as required under § 503.9 of these regulations; and

(8) No alternate power supply exists, as required under § 503.8 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the demonstration required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for the certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

(c) *Periodic review.* ERA shall, from time to time, review this exemption and the exemption shall terminate when ERA finds that there is available a supply of synthetic fuel suitable for use by the exempt powerplant.

§ 503.43 Scheduled equipment outages for installations.

(a) *Eligibility.* Section 212(j) of the Act provides for a permanent exemption for installations to meet scheduled equipment outages. To qualify a petitioner must certify that:

(1) The petitioner's routine maintenance schedule does not permit, or could not be adjusted to permit, continuing production or other activity carried on at the site unless ERA grants this exemption;

(2) The pertinent unit will be used only during those periods when other units are not in operation for reason of scheduled outage; and

(3) Use of mixtures is not feasible, as required under § 503.9 of these regulations.

(b) *Evidence required in support of a petition.* The petition must include the following evidence in order to make the determination required by this section:

(1) Duly executed certifications required under paragraph (a) of this section;

(2) Exhibits containing the basis for certifications required under paragraph (a) of this section (including those factual and analytical materials deemed by the petitioner to be sufficient to support the granting of this exemption);

(3) Environmental impact analysis, as required under § 503.13 of these regulations; and

(4) Fuels search, as required under § 503.14 of these regulations.

(c) *Alternative for use 28 days per year or less.* If use of the proposed unit is not to exceed an average of 28 days per year over a three-year period, the petitioner may omit the fuels search requirement under § 503.14 from its evidentiary submissions under paragraph (b) of this section and shall

submit, in lieu of the environmental impact analysis under § 503.13, only the environmental certifications required under § 503.13(b) of these regulations.

(d) *Emergency use.* A petition for an emergency exemption may be submitted in addition to a petition for a scheduled equipment outage exemption. Eligibility and evidentiary requirements of each exemption must be satisfied.

§ 503.44 Product on process requirements. [Reserved]

PART 504—EXISTING FACILITIES

4. Section 504.12 of Part 504 *Cost calculations for existing powerplants and installations* is revised to read as follows:

§ 504.12 Cost calculations for existing powerplants and installations.

(a) *General.* (1) This calculation compares the cost of using alternate fuel to the cost of using imported petroleum. It must be performed for each alternate fuel and/or alternate site that the petitioner is required to examine.

(2) The cost of using an alternate fuel as a primary energy source will be deemed to substantially exceed the cost of using imported petroleum if the difference between the cost of using alternate fuel and the cost of using imported petroleum is greater than zero.

(3) There are two comparative cost calculations—a general cost test and a special cost test. Both take into consideration cash outlays for capital investments, annual expenses, and the effect of depreciation and taxes on cash flow. To demonstrate eligibility for permanent exemption, a petitioner must use the procedures specified in the general cost test (paragraph (b) of this section). To demonstrate eligibility for a temporary exemption, the petitioner may apply the procedures specified in either the general cost test or the special cost test (paragraph (c) of this section).

(b) *Cost calculation—general cost test.* (1) A petitioner may be eligible for a permanent exemption if he can demonstrate that the cost of using an alternate fuel from the first year of the exemption substantially exceeds the cost of using imported petroleum. Unless the best practicable cost estimates as prescribed below will not change materially during the first ten years of operation of the unit with an alternate fuel (given the best information available at the time the petition is filed), the petitioner must also demonstrate that the cost of using an alternate fuel beginning at any time within the first ten years of the exemption and using imported petroleum or natural gas until such time (*i.e.*, delayed use of alternate fuel) would substantially exceed the cost of using only imported petroleum.

(2) The petitioner would only be eligible for a temporary exemption if the computed costs of delayed alternate fuel use, commencing at the start of the second through eleventh years of operation from when alternate fuel would be used, do not always substantially exceed the cost of using only imported petroleum. The length of the temporary exemption would be the minimum period in which the cost of using alternate fuel substantially exceeds the cost of using imported petroleum.

(3) To conduct the general cost test, calculate the difference (DELTA) between the cost of using an alternate fuel (COST(ALTERNATE)) and the cost of using imported petroleum (COST(OIL)) using Equations 1 through 3 below and the comparison procedures in paragraph (b)(5) of this section.

$$\text{EQ 1} \qquad \text{DELTA} = \text{COST (ALTERNATE)} - \text{COST (OIL)}$$

where COST(ALTERNATE) and COST(OIL) are determined by:

$$\text{EQ 2} \qquad \text{COST} = I + \sum_{i=-g}^{N} \frac{(OM_i + FL_i)(1-t_i)}{(1+k)^i}$$

and I (capital investment) is:

$$\text{EQ 3} \qquad I = ID + \sum_{i=-g}^{N} \frac{I_i - ITC_i - S_i - t_i(DPR_i)\left(\frac{IX_e}{IX_i}\right)}{(1+k)^i}$$

(4) The terms in Equations 2 and 3 are defined as follows:

i = Year. i is a specified year either before year 0 or after year 0. Year 0 is the year before the proposed exemption becomes effective or, in the case of a financial feasibility finding, the year before alternate fuel use would begin. For example, in the third year before the proposed exemption becomes effective (or the unit would begin using alternate fuel, in the case of a financial feasibility finding), i would equal −2, and in the third year following commencement of the proposed exemption (or commencement of alternate fuel use), i would equal +3. Years are represented by 52 week periods prior to or following the date on which the proposed exemption would begin (or on which alternate fuel use would begin). Outlays before the proposed exemption becomes effective are future valued to the year before the proposed exemption becomes effective (year 0), and outlays after the proposed exemption becomes effective are present valued to the year before the proposed exemption becomes effective.

g = The number of years prior to the year before the proposed exemption becomes effective (year 0) that (1) a cash outlay is first made for capital investments, (2) an investment tax credit is first used, or (3) replacement energy is required while the facility would be shut down for conversion—whichever occurs first. Years 0 and g must be the same for both the proposed conversion and no-conversion cases.

N = The remaining useful life of the unit (see paragraph (d)(6) of this section).

ID = Capital investment required to recover "lost" capacity. "Lost" capacity is the design capacity of or maximum sustained energy per unit of time that could be produced by a powerplant, or the maximum sustained energy per unit of time that could be produced by an installation, lost due to derating (see Equation 6, paragraph (d)(3) of this section). If a replacement facility is being evaluated, ID is the capital cost associated with an alternate fuel-fired replacement facility.

I_i = Yearly cash outlay (in dollars) from the year outlays first occur to the last year of the unit's useful life for capital investments. (See paragraph (d)(2) of this section for the items that must be included.)

OM_i = Annual cash outlay in year i (in dollars) for all operations and

maintenance expenses except fuel (*i.e.*, all non-capital and non-fuel cash outlays). This may include labor, materials, insurance, taxes (except income taxes), etc. (See paragraph (d)(4) of this section.) Operations and maintenance expenses for "replacement energy" may be accounted for here. "Replacement energy" is that energy which substitutes for the output of a unit during the period of conversion to alternate fuel use.

S_i = Salvage value of capital investment (in dollars) in year i.

FL_i = Annual cash outlay for delivered fuel expenses (in dollars) in year i. Expenses for fuel to generate "replacement energy" above may be accounted for here. (See paragraph (d)(4) of this section for FL_i calculation instructions and Appendix II of these regulations for the procedures to determine fuel price.)

k = The discount rate expressed as a fraction (see paragraph (d)(5) of this section).

ITC_i = Federal investment tax credit used in year i resulting from capital investments (see paragraph (d)(7) of this section).

DPR_i = Depreciation in year i resulting from capital investments (see paragraph (d)(7) of this section).

t_i = Marginal income tax rate in year i (see paragraph (d)(7) of this section).

IX_i = Inflation index value for year i (see Table II–1 in Appendix II).

IX_e = Inflation index value for the year e, the year before the asset is placed in service.

(5) The step-by-step procedure that follows shows the comparison that the petitioner must make.

(i) Compute the cost of using an alternate fuel (COST (ALTERNATE)) throughout the remaining useful life of the unit using Equations 2, 3, and 6.

(ii) Compute the cost of using oil or natural gas (COST (OIL)) throughout the remaining useful life of the unit using Equations 2 and 3.

(iii) Using Equation 1, compute the difference (DELTA) between COST(ALTERNATE) and COST(OIL). If the difference (DELTA) is less than or equal to zero, a petitioner is not eligible for a permanent or temporary exemption using the general cost test and need not complete the remainder of the general cost test calculation. However, he still may be eligible for a temporary exemption using the special cost test (paragraph (c) of this section). If the difference (DELTA) is greater than zero and the best practicable cost estimates will not materially change during the first ten years of operation of the unit with alternate fuel (given the best information available at the time the petition is filed), the petitioner has completed the test and is eligible for a permanent exemption. However, if the best practicable cost estimates will materially change during the first ten years, the petitioner must complete the remainder of the general cost test—the delayed use calculations which follow.

(iv) Recompute COST(ALTERNATE) with Equations 2, 3, and 6, assuming that an alternate fuel is not used as the primary energy source until the start of the second year and that oil or natural gas is used for the first year. All cash outlays should reflect postponed use of alternate fuel.

(v) Successively recompute COST(ALTERNATE) with Equations 2, 3, and 6, assuming that the alternate fuel use is postponed until the start of the third year, fourth year, and so on, through the beginning of the eleventh year after the proposed exemption would be effective (with imported petroleum or natural gas used in the years preceding alternate fuel use).

(vi) Compute the difference (DELTA) between each of the ten COST(ALTERNATE)s calculated in paragraph (b)(5) (iv) and (v) of this section and the COST(OIL) calculated in paragraph (b)(5) of this section.

(vii) If *all* the DFLTAs computed in paragraph (b)(5) (iii) and (vi) of this section are greater than zero, the petitioner is eligible for a permanent exemption. If one or more of the DELTAs is less than or equal to zero, he is eligible for a temporary exemption terminating at the beginning of the first year in which a DELTA is zero or less.

(c) *Cost calculations—special cost test.* (1) A petitioner may be eligible for a temporary exemption if he demonstrates that the cost of using an alternate fuel will substantially exceed the cost of using imported petroleum (or natural gas) over the period of the proposed exemption. The period of the proposed temporary exemption may not exceed ten years. The petitioner must demonstrate that the cost of using an alternate fuel substantially exceeds the cost of using imported petroleum for a period of one year, two years, three years, and so forth, through the period of the proposed exemption. ERA will limit the duration of a temporary exemption to the shortest time possible.

(2) To conduct the test, calculate the difference (DELTA) between the cost of using an alternate fuel (COST(ALTERNATE)) and the cost of using imported petroleum (COST(OIL)) using Equations 4 and 5 below, Equation 3 (paragraph (b)(3) of this section), and the comparison procedures in paragraph (c)(4) of this section.

EQ 4 $$DELTA = COST(ALTERNATE) - COST(OIL)$$

where COST(ALTERNATE) and COST(OIL) are determined by:

EQ 5 $$COST = I \times \frac{\sum_{i=1}^{P} (1+k)^{-i}}{\sum_{i=1}^{N} (1+k)^{-i}} + \sum_{i=1}^{P} \frac{(OM_i+FL_i)(1-t_i)}{(1+k)^i}$$

Capital investment (I) is calculated with Equation 3 (paragraph (b)(3) of this section).

(3) The terms in Equation 5 are the same as those in Equation 2 with the addition of P, the length of the proposed temporary exemption in years. (See paragraph (b)(4) of this section for other terms.)

(4) The step-by-step procedure that follows shows the comparisons which must be made.

(i) Using Equation 5, compute the cost of using an alternate fuel (COST(ALTERNATE)) assuming the length of the proposed exemption is one year.

(ii) Likewise, compute the cost of using imported petroleum or natural gas (COST(OIL)) assuming the length of the proposed exemption is one year.

(iii) Compute the difference (DELTA) between COST (ALTERNATE) and COST(OIL) using Equation 4.

(iv) Repeat the calculations made in paragraph (c)(4) (i), (ii), and (iii) of this section assuming the length of the proposed exemption is two years, three years, four years, and so on, up through the period of the proposed exemption.

(v) A petitioner is eligible for a temporary exemption terminating at the beginning of the first year in which a DELTA is zero or less.

(d) *Information on parameters used in the calculations.* (1) All estimated expenditures, except fuel, shall be expressed in real (uninflated) terms by using the prices in effect at the time petition is submitted. Instructions for fuel price calculations are contained in Appendix II.

(2) Capital investment yearly cash outlays (I_i) must include all items that are captial investments for Federal income tax purposes. All purchased equipment that has a useful life greater than one year, capitalized engineering costs, land, construction, environmental offsets, fuel inventory transmission facilities, piping, etc., that are necessary for the conversion of the unit must be included. However, an item must only be included if a cash outlay is required after the decision has been made to convert (or not to convert) the unit; sunk costs must not be included (*e.g.*, if the firm owns the land, its purchase price may not be included).

Note.—The guidelines for the fuel inventory for powerplants not using natural gas shall be: (a) all powerplants with only steam driven turbines—78 days, (b) all powerplants with only combustion turbines—142 days, (c) all powerplants with combined cycles—both steam driven turbines and combustion turbines—142 days. The guidelines for the fuel inventory for installations not using natural gas shall be the greater of: 1) 21 days fuel supply, or 2) sufficient fuel to fill sixty (60) percent of the storage volume. The guidelines for the fuel inventory of all facilities using natural gas shall be zero unless the gas supply is interruptible in which case an appropriate inventory of back-up fuel must be included. Include the salvage value of any fuel in inventory which cannot be used as a result of this conversion. Other inventory levels may be used if they are more appropriate than these guidelines; however, the source or derivation of these levels must be discussed in the evidential summary.

(3)(i) Capital investment (ID), if any, required (A) to recover the design capacity or maximum sustained energy per unit of time that could be produced but would be lost due to derating or (B) to build an alternate fuel-fired replacement facility, if appropriate, must be computed with Equation 6 if, for the purposes of this calculation, it is elected to recover that capacity. COST computed with Equation 2 or 5 must yield the least cost solution.

$$\text{EQ 6} \qquad ID = \frac{\sum_{i=1}^{N} (1+k)^{-i}}{\sum_{i=1}^{M} (1+k)^{-i}} \times \sum_{i=-g}^{M} \frac{ID_i - ITCD_i - SD_i - t_i(DPRD_i)\left(\frac{IX_e}{IX_i}\right)}{(1+k)^i}$$

(ii) M, ID_i, $ITCD_i$, SD_i, and $DPRD_i$ are the useful life, yearly investment cash outlays, investment tax credits, salvage values, and depreciation, respectively, resulting from the purchase of equipment required to recover the design capacity or maximum sustained energy per unit of time that could be produced, lost due to derating. All definitions and information which apply to N, I_i, ITC_i, S_i, and DPR_i (see paragraph (b)(4) of this section), also apply to M, ID_i, $ITCD_i$, SD_i, and $DPRD_i$, respectively, except that M, ID_i, $ITCD_i$, SD_i, and $DPRD_i$, are limited to equipment required to recover the loss due to derating. All other terms are as in Equation 3 (paragraph (b)(3) of this section). In the case of a replacement facility, if appropriate, ID is the capital cost associated with that alternate fuel-fired replacement facility.

(iii) If an election is made not to recover the loss due to derating (for the purpose of this calculation), ID equals zero.

(4)(1) The annual cash outlays for operations and maintenance expense (OM_i) and fuel expense (FL_i) for a powerplant may be computed by one of the following three methods; however, the one chosen must be consistently applied throughout the analysis.

(A) Assume the energy produced by the powerplant equals seventy (70) percent of design capacity times 8,760 hours for each year during the remaining useful life of the powerplant, and compute cash outlays for operations, maintenance, and fuel expenses for the powerplant.

(B) Economically dispatch the powerplant in which conversion to alternate fuel is being considered and, if appropriate, the additional powerplant required due to derating or replacement. The cash outlays for operations, maintenance, and fuel expenses of all powerplants being dispatched (where oil and natural gas are priced according to the procedures of Appendix II) are the corresponding expenses for the purpose of the cost calculation. The dispatch analysis area must be that area with which the firm currently dispatches, anticipates dispatching, and will be interconnected. It must also include all anticipated exchanges of energy with other utilities or powerpools. The outlays for operations, maintenance, and fuel may also be estimated using a methodology that incorporates the benefits of economically dispatching units and provides consistent treatment in the alternate fuel and oil or natural gas cases being compared. If the design capacity lost due to derating or replacement is recovered, as discussed in paragraph (d)(3) of this section, the petitioner must employ this method (or that described in paragraph (d)(4)((i)(C) of this section for calculating operations, maintenance, and fuel expenses.

(C) Use a dispatch analysis to project the energy produced by the powerplant for a representative (not atypical) year of operation when consuming an alternate fuel. Compute the cash outlays for operations, maintenance, and fuel expenses for the powerplant based upon the level of energy production estimated for the representative year. The dispatch analysis and fuel expenses for the cost

calculation must include oil and natural gas priced according to the procedures of Appendix II.

(ii) The annual cash outlays for operations and maintenance expenses (OM_i) and fuel expenses (FL_i) for an installation may be computed by the method specified in (A) below. A second method (B) may be used unless the energy or steam produced by the alternate fuel-fired unit would be less than that computed using method A.

(A) Base the computations on the actual power or steam generation schedule of the installation in which conversion is being considered and, if appropriate, the additional installation required due to derating of the facility being converted. If power output lost due to derating is recovered for the purpose of this calculation (see paragraph (d)(3) of this section), the petitioner must employ this method for calculating operations, maintenance, and fuel expenses.

(B) If the installation has been in operation for at least two years, assume it will annually generate an amount of energy or steam equal to the average amount of energy or steam produced annually for either the last five years or the length of operation of the installation if it is less than five years.

(5) The discount rate (k) for analyses of powerplants is 2.9% or that which is computed as specified in Appendix I. The discount rate (k) for analyses of installations is 7.7% or that which is computed as specified in Appendix I. The inflation index (IX) is shown in Table II–1 of Appendix II. ERA will modify these specified rates from time to time as required by changed conditions after public notice and an opportunity to comment. However, the relevant set of specified rates for a specific petition for exemption will be the set in effect at the time the petition is submitted or the set in effect at the time a decision is rendered, whichever set is more favorable to the petitioner.

(6)(i) The guidelines for the remaining useful life (N) of a powerplant shall be thirty-five (35) years minus the age of the plant when it would begin using an alternate fuel. The guidelines for the remaining useful life of a major fuel burning installation shall be forty (40) years minus the age of the plant when it would begin using an alternate fuel. Other useful line projections may be used if they are more appropriate than these guidelines; however, the source or derivation of these projections must be contained in the evidential summary. The summary should include a discussion of engineering , economic historical or other evidence. If the unit's remaining useful life would be extended as the result of the conversion or refurbishment, that extension must be included in the remaining useful life.

(ii) If the life of a unit would be extended, the petitioner will have to modify his calculation so that the two cash flows being compared have the length of the unextended remaining useful life. To do this, (A) use the unextended useful life in Equations 2 and 5 for the unit when it is both converted and uncoverted, and (B) multiply the capital investment term (I) for the converted unit (computed with Equation 3) by the following adjustment factor (A):

$$\text{EQ 7} \qquad A = \frac{\sum_{i=1}^{Q} (1+k)^{-i}}{\sum_{i=1}^{R} (1+k)^{-i}}$$

where:

R = The extended remaining useful life of the facility.

Q = The unextended remaining useful life of the facility.

k = The discount rate (see paragraph (d)(5) of this section).

(7) All Federal investment tax credits (ITC_i and $ITCD_i$) and depreciation (DPR_i and $DPRD_i$) values are those used for Federal income tax purposes and must be applied consistently throughout the analysis and in a manner consistent with the Federal tax laws. All investment tax credits allowed under Federal tax law must be reflected in the computations. The petitioner must use the method of depreciation which results in the greatest present value of the cash flow due to the tax and depreciation effect. The marginal income tax rate (t_i) is the firm's anticipated marginal Federal income tax rate in year i. The relevant investment tax credits, depreciation methodology, and marginal Federal income tax rates for a specific exemption or financial feasibility finding will be those prescribed by Federal law in effect (or those tax parameters which are known with certainty will be in effect) at the time a decision is rendered. (However, if an investment tax credit expires in a certain year under the law which is in effect at the time the petition is submitted, the petitioner must assume that it will in fact expire in that year.)

(8) All estimated cash outlays must be computed in accordance with generally accepted accounting principles consistently applied.

(9) The scope of the estimates of relevant costs (as discussed above) of units being compared must be the same.

(10) All allowances for uncertainty and risk in the cost estimates must be explicit.

(11) All cash outlays must be net of any government subsidies or grants.

(e) *Evidence in support of the cost calculation.* Petitioners for an exemption which requires the use of the cost calculation shall certify that the cost of using alternate fuel substantially exceeds the cost of using oil as primary energy source as calculated in this section. A brief summary of the petitioner's supporting calculations and estimates shall be submitted with the certification. The summary should include the following:

(1) Cash outlays, Investment tax credits, depreciation methodologies, and anticipated salvage for capital investments including a description of all major construction and equipment;

(2) Annual cash outlays for operations and maintenance expenses including the formulas used to compute them; and

(3) Annual cash outlays for delivered fuel expenses including the formulas used to compute them.

PART 505—NEW MAJOR FUEL BURNING INSTALLATIONS

§ 505.27 [Removed]

5. Section 505.27 of Part 505, *Cogeneration*, is hereby removed.

PART 503—NEW FACILITIES

PART 504—EXISTING FACILITIES

6. Appendix I and Appendix II, relating to the cost calculation methodologies in 10 CFR 503.6 and 504.12 are revised to read as follows:

Appendix I—Procedures for the Computation of the Real Cost of Capital

(a) The firm's real after-tax weighted average marginal cost of capital (K) is computed with equation 1.

$$\text{EQ 1} \qquad K = W_d \left[\frac{\hat{R}_d\,(1-t)}{1-f_d} - INF\right] + W_p \left[\frac{\hat{R}_p}{1-f_p} - INF\right] + W_e \left[\frac{\hat{R}_e}{1-f_e} - INF\right]$$

The terms in equation 1 are defined as follows:

W_d = Fraction of existing capital structure which is debt.

W_p = Fraction of existing capital structure which is preferred equity.

W_e = Fraction of existing capital structure which is common equity and retained earnings.

$\hat{R}_d$ = Predicted nominal cost of long term debt expressed as a fraction.

$\hat{R}_p$ = Predicted nominal cost of preferred stock expressed as a fraction.

$\hat{R}_e$ = Predicted nominal cost of common stock expressed as a fraction.

INF = Percentage change in the GNP implicit price deflator over the past 12 months expressed as a fraction.

f_d = Flotation cost of debt expressed as a fraction.

f_p = Flotation cost of preferred stock expressed as a fraction.

f_e = Flotation cost of common stock expressed as a fraction.

t = Marginal federal income tax rate for the current year.

(b) *Information on parameters used in Equation 1.* (1) The parameters used in equation 1 will be the best practicable estimates. They will be obtained from the firm, accepted rating services (e.g., Standard & Poors, Moody's), government publications, accepted financial publications, annual financial reports and statements of firms, and investment bankers.

(2) The predicted nominal cost of debt ($\hat{R}_d$) may be estimated by determining the current average yield on newly issued bonds—industrial or utility as appropriate—which have the same rating as the firm's most recent debt issue.

(3) The predicted nominal cost of preferred stock ($\hat{R}_p$) may be estimated by determining the current average yield on newly issued preferred stock—industrial or utility as appropriate—which has the same rating as the firm's most recent preferred stock issue.

(4)(A) The predicted nominal cost of common stock ($\hat{R}_e$) is computed with equation 2.

$$\text{Eq 2} \qquad \hat{R}_e = \hat{R}_f + B \times \hat{R}_m$$

where:

$\hat{R}_f$ = The risk free interest rate—the average of the most recent auction rates of U.S. Government 13-week Treasury Bills,

B = The "beta" coefficient—the relationship between the excess return on common stock and the excess return on the S&P 500 composite index, and

$\hat{R}_m$ = The mean excess return on the S&P 500 composite index—the mean of the difference between the return on the S&P 500 composite index and the risk free interest rate for the years 1926–1976 as computed by Ibbotson and Sinquefield(*1*)—9.2%

(B) The "beta" coefficient is computed with regression analysis techniques. The regression equation is Equation 3.

$$\text{EQ 3} \qquad (R_e^t - R_f^t) = A + B\,(R_m^t - R_f^t) + e^t$$

where

$$R_e^t = \frac{PRCC_t - PRCC_{t-1} + (DIVRATE/12)}{PRCC_{t-1}}$$

R_f^t = The risk free interest rate in month t—the average of the yields on 13-week treasury bills auctioned in month t.(*2*)

A = A constant which should not be significantly different than zero.

$$R_m^t = \frac{V_{sp,t} - V_{sp,t-1} + D_{sp,t}}{V_{sp,t-1}}, \text{ and}$$

e^t = The error in month t.

$PRCC_t$ = Closing market prices of the firm's common stock at the end of month t fully adjusted for splits and stock dividends.

$DIVRATE_t$ = The sum of the dividends paid in the fiscal year which contain month t.

$V_{sp,t}$ = The market value of "one share" of the S&P 500 composite index at the end of month t.

$D_{sp,t}$ = The estimated monthly income received from holding "one share" of the S&P 500 in month t.

The regression analysis is done with sixty months of data. The first month (t=1) is sixty months before the month in which the firm's current fiscal year started. The last month (t=60) is the last month of the past fiscal year.

(5) Where the parameters specified above are not obtainable, alternate parameters that closely correspond to those above may be used. This may include substituting a bond yield for nominal cost of preferred stock where the former is not available. Where the capital structure does not consist of any debt, preferred equity, or common equity, an alternate methodology to predict the firm's real after-tax marginal cost of capital may be used.

Example of using alternate parameters that closely correspond to those above are:

(A) In the case of industrials, who do not typically issue preferred stock, the predicted nominal cost of preferred stock ($\hat{R}_p$) can be estimated by determining the current average yield on newly issued industrial bonds which have the same rating as the firm's most recent debt issue.

(B) If necessary, the following assumptions can be made to determine the nominal cost of debt or preferred stock and their flotation costs.

(i) Where a company issued privately placed debt that was not rated, the rating, applied to preferred stock could be used to determine the cost of debt and its flotation cost.

(ii) Where a company issued privately placed preferred stock that was not rated, the rating applied to debt could be used to determine the cost of preferred stock and its flotation costs.

(iii) In the case where all issues were privately placed, the current average yield on all newly issued debt or preferred could be used to determine the cost of debt or preferred respectively, and an average flotation cost, for debt or preferred, could be used.

(C) *Evidence Requirements.* Copies of this calculation with notations as to the source of the data must be submitted.

Footnotes

(1) Ibbotson, R.E. and R.A. Sinquefield. *Stocks, Bonds, Bills, and Inflation.* Charlottesville, Va.: The Financial Analysts Research Foundation, 1977, cited by Ernst & Whinney, *Costs of Capital and Rates of Return for Industrial Firms and Class A&B Electric Utility Firms,* June 1979, p. 3–8.

(2) As an option, R_f^t can be developed with the following equation:

$$R_f^t = \frac{365D^t}{360-ND^t} \times \frac{1}{12}$$

where:

D^t = The average annual yield on three month U.S. Treasury bills reported in the *Survey of Current Business* auctioned in month t—which is reported using the bank discount method.

N = Number of days to maturity.

Appendix II.—Fuel Price Computation

(a) *Introduction.* This appendix provides the equations and parameters needed to specify the price of delivered fuels used in computing the cost of using imported petroleum and the cost of using an alternate fuel in Parts 503 and 504 of these regulations. The delivered price of imported petroleum or natural gas used to calculate delivered fuel expenses must reflect (1) the price of imported petroleum, (2) the effects of future real increases in imported petroleum prices, and (3) a substantially exceeds premium. The delivered price of an alternate fuel used to calculate delivered fuel expenses must reflect the petitioner's delivered price of the alternate fuel and the effects of real increases in the price of that alternate fuel. Paragraphs (b) and (c) below provide alternative procedures to account for projected real increases in the prices of fuels. The petitioner may compute his fuel prices by either of these procedures as long as the same procedure is applied consistently throughout the cost analysis. Table II–1 of this appendix contains the price indices used in option 1 (paragraph (b)) and the inflation index used in computing depreciation in Parts 503 and 504 of these regulations. ERA will change the parameters specified in paragraphs (b)(4) and (c)(4) below and in Tables II–1 and II–2 from time to time after public notice and an opportunity to comment. Revisions shall become effective after final publication. However, the relevant set of parameters for a specific petition for exemption will be the set in effect at the time the petition is submitted or the set in effect at the time a decision is rendered, whichever is more favorable to the petitioner.

(b) *Fuel price computation—option 1.* (1) The petroleum product price (PFE_i) is computed with Equation II–1.

$$\text{EQ II-1} \qquad PFE_i = PF\left[\frac{OPX_i}{OPX_u}\right] + PREM$$

where:

PF = The current market price of the petitioner's fuel oil per barrel at the time the petition is submitted (f.o.b. the facility). Alternatively, if the petitioner does not currently have a supplier of fuel oil, he should use a simple average of the market prices of fuel oil available to him (capable of being burned in the facility and meeting his area's air quality standards) and sold in his area by at least three suppliers.

PFE_i = Price of fuel oil per barrel in year i.

OPX_i = Oil price index value for year i (see paragraph (b)(4)(ii) below).

OPX_u = Oil price index value for year u, the year in which the petition is submitted (see paragraph (b)(4)(ii) below).

PREM = Substantially exceeds premium added to the price of oil (see paragraph (b)(4) below).

(2) If it is planned to use natural gas in the facility, Equation II–1 must be used to calculate the price of fuel (PFE_i), along with the price of the No. 6 residual fuel oil (PF) which meets the air quality standards in the petitioner's area.

(3) The delivered price of alternate fuel (PFA_i) must reflect the real escalation rate of alternate fuel and must be computed with Equation II–2.

$$\text{EQ II-2} \qquad PFA_i = APF\left[\frac{APX_i}{APX_u}\right]$$

The terms of Equation II–2 are defined as follows:

PFA_i = Price of alternate fuel in year i.

APF = The current market price of the alternate fuel (f.o.b. the facility).

APX_i = Alternate fuel price index value of year i (see paragraph (b)(4)(iii) below).

APX_u = Alternate fuel price index for the year u, the hear in which the petition is submitted (see paragraph (b)(4)(iii) below).

(4) The petitioner shall use the following parameters for Equations II–1 and II–2 of this appendix:

(i) The substantially exceeds premium, PREM, is $1.00 per barrel of oil equivalent.

(ii) The oil price index values, OPX_i and OPX_u, are specified in Table II–1.

(iii) The alternate fuel price index values APX_i and APX_i for coal are specified in Table II–1. The petitioner may use either the price index specified in Table II–1 or his own price index. However, if he uses his own price index, the source or the derivation of the index must be contained in the evidential summary.

(c) *Fuel price computation—option 2.* (1) The petroleum product price (PEE_i) is computed with Equation II–3.

$$\text{Eq II-3} \qquad PEE_i = PF + PREM + FUTR$$

where the terms are the same as those in Equation II–1 with the addition of FUTR, the premium added to the price of oil to account for projected escalation in oil prices as compared to escalation in alternate fuel prices (see paragraph (c)(4)(ii) below).

(2) If it is planned to use natural gas in the facility, Equation II–3 must be used to calculate the price of fuel (PFE_i), along with the price of the No. 6 residual fuel oil (PF) which meets the air quality standards in the petitioner's area.

(3) The price of alternate fuel (PFA) must be the current market price of the alternate fuel (f.o.b. the facility).

(4) The petitioner shall use the following parameters for Equation II–3 of this appendix:

(i) The substantially exceeds premium, PREM, is $1.00 per barrel of oil equivalent.

(ii) The premium added to the price of oil to account for projected escalation in oil prices compared to escalation in alternate fuel prices is FUTR, which may be set to $4.00 per barrel or $0.00 per barrel at the option of the petitioner.

TABLE II–1.—PRICE AND INFLATION INDICES FOR USE IN THE COST CALCULATIONS [1]

Year	Crude oil price index (OPX)	Alternate fuel price index for coal (APX)	Inflation index (IX)
1980	1.000	1.000	1.000
1981	1.016	1.039	1.195
1982	1.032	1.080	1.179
1983	1.049	1.122	1.257
1984	1.066	1.165	1.329
1985	1.083	1.211	1.398
1986	1.111	1.229	1.464

TABLE II-1.—PRICE AND INFLATION INDICES FOR USE IN THE COST CALCULATIONS [1]—Continued

Year	Crude oil price index (OPX)	Alternate fuel price index for coal (APX)	Inflation index (IX)
1987	1.140	1.247	1.519
1988	1.169	1.266	1.565
1989	1.200	1.285	1.612
1990	1.231	1.304	1.660
1991	1.257	1.316	1.710
1992	1.283	1.328	1.761
1993	1.310	1.340	1.814
1994	1.338	1.352	1.868
1995	1.366	1.364	1.925
1996	1.382	1.372	1.982
1997	1.399	1.381	2.042
1998	1.415	1.389	2.103
1999	1.432	1.397	2.166
2000	1.450	1.406	2.231
2001	1.450	1.414	2.298
2002	1.450	1.422	2.367
2003	1.450	1.431	2.438
2004	1.450	1.440	2.511
2005	1.450	1.448	2.586
2006	1.450	1.457	2.664
2007	1.450	1.466	2.744
2008	1.450	1.474	2.826
2009	1.450	1.483	2.911
2010	1.450	1.492	2.998
2011	1.450	1.512	3.088
2012	1.450	1.531	3.181
2013	1.450	1.551	3.276
2014	1.450	1.571	3.375
2015	1.450	1.592	3.476
2016	1.450	1.612	3.580
2017	1.450	1.633	3.688
2018	1.450	1.655	3.798
2019	1.450	1.676	3.912
2020	1.450	1.698	4.029
2021	1.450	1.720	4.150
2022	1.450	1.742	4.275
2023	1.450	1.765	4.403
2024	1.450	1.788	4.535
2025	1.450	1.811	4.671
2026	1.450	1.835	4.811
2027	1.450	1.858	4.956
2028	1.450	1.883	5.104
2029	1.450	1.907	5.258
2030	1.450	1.932	5.415

[1] The index values OPX, APX, and IX in Table II-1 were calculated using the rates (see Table II-2) for the real increase in oil price (Ro), coal price (Ra), and inflation (INF), respectively, and the following equations:

$$OPX_i = \prod_{j=1980}^{i} (1 + Ro_j)$$

$$APX_i = \prod_{j=1980}^{i} (1 + Ra_j)$$

$$IX_i = \prod_{j=1980}^{i} (1 + INF_j)$$

where:

i = Calendar year of index, and

$\prod$ = Product of terms with index j ranging from 1980 to i.

If the petitioner chooses to supply his own escalation rates for an alternate fuel, as provided in option 1 (paragraph (b)(4)(iii)(B) of Appendix II), he must use the equation for APX, to calculate the appropriate index values.

TABLE II-2.—RATES OF FUEL PRICE INCREASE AND INFLATION USED IN TABLE II-1

Year (j)	Ro	Ra	INF
1980	0.000	0.000	0.000
1981	0.016	0.039	0.095
1982	0.016	0.039	0.077
1983	0.016	0.039	0.066
1984	0.016	0.039	0.057
1985	0.026	0.039	0.052
1986	0.026	0.015	0.047
1987	0.026	0.015	0.038
1988–1990	0.026	0.015	0.030
1991–1995	0.021	0.009	0.030
1996–2000	0.012	0.006	0.030
2001–2010	0.008	0.006	0.030
2011–2030	0.000	0.013	0.030

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DEPARTMENT OF ENERGY

10 CFR Parts 500, 501, and 503

[Docket No. ERA-R-81-12]

Powerplant and Industrial Fuel Use Act of 1978; Administrative Procedures and Exemption Criteria

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) is proposing additional revisions to its rules implementing the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") to further simplify administrative procedures and exemption criteria, and reduce the burden of obtaining an exemption under the Act. This notice seeks comments on the proposed revisions.

DATE: Written comments are due January 6, 1982.

ADDRESS: All comments should be addressed to Public Hearing Management, Docket No. ERA-R-81-12, Department of Energy, Room B-210, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:
Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room 7120, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461 (202) 633-8108.
Constance Buckley (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, NW., Washington, D.C. 20461, (202) 653-3313
Henry K. Garson (Office of the General Counsel), Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-2967.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposals
III. Procedural Matters

I. Background

On June 9, 1981 (46 FR 31216 (June 12, 1981)), the Department of Energy (DOE) proposed extensive revisions to its rules implementing FUA. These proposals were aimed at reducing the regulatory burden faced by the owners and operators of electric powerplants and major fuel burning installations (MFBI's) and streamlining exemption procedures under the Act. In addition to the specific proposals addressed in the June 9, 1981 notice, DOE solicited comment on any other issues of concern to the public related to the regulatory program implementing the Act.

During the comment period, DOE received comments addressing not only the specific proposals, but also other aspects of the FUA regulatory program. DOE has now issued final rules, effectuating its proposals to simplify the FUA regulatory program. In response to public comments, DOE is issuing this notice of proposed rulemaking ("NOPR"), to propose the following additional revisions to further reduce regulatory burdens faced by facilities seeking exemptions under the Act:

(A) Part 500—Definitions

1. *"Alternate fuel"*—Addition of tar sands and oil-impregnated diatomaceous earth.
2. *"Commercial unmarketability"*—Deletion of the requirement that a fuel be burned by its producer.
3. *"Natural gas"*—Definition of "maximum efficient production rate" of a well in terms of gas production rather than total energy production including oil liquids.
4. *"Reconstruction"*—Substitution, in certain specified instances, of an 80 percent test for the 50 percent test currently provided.

(B) Part 501—Administrative Procedures

Classification of fuel as commercially unmarketable—Addition of self-certification procedure and determination deadline.

(C) Part 503—Exemptions

1. Revision of the 600 hour lack of alternate fuel supply exemption.
2. Revision of requirement to demonstrate specific debt-constraining restrictions for inadequate capital exemption.

II. Proposals

A. Definitions (Part 500)

1. *Alternate fuel.* DOE's June 9, 1981 proposal specifically solicited comment on the possible addition of fuels to the current regulatory definition of "alternate fuel." In addition to those fuels addressed in the Final Rule, comments were received recommending the inclusion as altenate fuels of tar sands and oil-impregnated diatomaceous earth. DOE is proposing addition of these fuels to the definition of "alternate fuel." DOE believes that adoption of this proposal, would, consistent with the purposes of the Act, encourage development of these scarce, indigenous resources.

2. *Commercial unmarketability.* One commenter recommended that, in adopting the content of DOE Ruling 1981-2 in its rules, DOE delete the requirement that a fuel be "burned by its producer" in order to be considered commercially unmarketable. DOE has herein proposed to permit self-certifications of commercial unmarketability where qualifying fuel is burned by its producer, discussed further in this Preamble under the heading "Commercial Unmarketability Determinations." In situations where a fuel is not burned by its producer, DOE will permit a facility to demonstrate that the fuel is commercially unmarketable, and hence, an alternate fuel. As a result of the proposed revisions, the explicit requirement in the definition section that fuel in all instances be burned by its producer is proposed to be deleted.

3. *Natural gas.* One commenter requested that, for purposes of determining whether the exclusion from this definition of any well the "maximum efficient production rate" (MEPR) of which is less than 250 million Btu's per day, DOE should redefine MEPR in terms of gas production, rather than *total* production, including oil and gas liquids. DOE is proposing to revise subsection (3)(ii) of the definition of "natural gas" in § 500.2 so as to *exclude* consideration of any fuel which is not defined as "natural gas" under FUA and applicable regulations. Thus, "maximum efficient production rate" would be determined exclusively on the basis of natural gas production of a well.

4. *Reconstruction.* Most comments received by DOE on this issue addressed the 50 percent test for finding reconstruction of an existing unit. This provision states that reconstruction of a unit will be found to have taken place whenever capital expenditures for refurbishment or modification are equal to or greater than 50 percent of the capital costs of an equivalent replacement unit. Many commenters felt that the test should permit refurbishment of units damaged in plant accidents. Other commenters felt that a facility should be deemed "reconstructed" only where boiler capacity was being increased, or where facility efficienty was being increased.

In response to these comments, DOE is herein proposing to revise the reconstruction test. Under the proposal, DOE would first apply the 50 percent reconstruction test currently provided for in the rules. Where an existing facility falls below this refurbishment/modification threshold, it will continue to be classified as existing. Where the capital costs of modification of an existing facility are estimated to exceed the 50 percent test, however, but are

estimated at no greater than 80 percent of the total capital expenditures for an equivalent replacement unit (calculated on the same three year basis currently provided in the rules), DOE would not consider that facilitiy to have been "reconstructed," provided that: (1) The unit being refurbished or modified was destroyed, in whole or substantial part, in a plant accident; or (2) the unit, as refurbished or modified, will not have a greater fuel consumption capability than the unit it replaces. In cases where refurbishment/modification of a unit is estimated to exceed the 80 percent threshold, reconstruction would be considered to have occurred, and a new unit will be deemed to have been constructed; except that, the exception of modifications undertaken solely to increase a unit's fuel burning efficiency which will not result in increased remaining useful life or increased fuel consumption, has been retained from the current rules.

Some commenters also suggested that any "replacement" unit should be viewed as an existing unit. DOE believes that it is inconsistent with the statutory definition of "construction" to categorically classify new *replacement* units as "existing", simply because they may improve overall plant efficiency or merely serve the same purposes as a replaced unit.

B. Administrative procedures

Commercial unmarketability determinations (§ 501.7(a)(12)). Pursuant to Title II of FUA, new electric powerplants and major fuel-burning installations (MFBIs) are subject to certain prohibitions against the use of natural gas or petroleum. Title III of the FUA subjects existing electric powerplants and MFBIs to prohibitions against the use of natural gas or petroleum. However, the use of fuels that are not defined as "natural gas" or "petroleum" is not prohibited.

Under Sections 103(a) (3), (4) and (6) of FUA, liquid, solid, or gaseous waste by-products of refinery or industrial operations, and in certain cases, natural gas can be defined as alternate fuels if they are determined under rules prescribed by the Secretary to be commercially unmarketable, either by reason of quality or quantity.

As authorized by FUA, DOE has prescribed rules specifying the qualitative and quantitative criteria under which a fuel can be deemed commercially unmarketable. These criteria are contained in the definition of the term "commercial unmarketability", codified at 10 CFR 500.2. The procedure for filing a request and the methodology for making a commercial unmarketability determination are contained in 10 CFR 501.7(a)(12). In response to the suggestions of several commenters, DOE is proposing two alternatives for applying for and making these determinations.

Alternative A provides a self-certification procedure by which a producer of a particular waste by-product may, by applying the criteria specified in the proposed rule, determine whether his waste by-product is an alternate fuel. If the producer/user can qualify under this Alternative, he need only notify ERA that the determination of unmarketability has been made. Under Alternative A, if a fuel is produced for a limited time period (up to one (1) year) in quantities which are insufficient to permit a reasonable determination of its unmarketability, such fuel will be considered commercially unmarketable for that period. In addition, a fuel can be classified as commercially unmarketable under Alternative A if it meets other specified qualitative requirements pertaining to its heat content.

In cases where Alternative A may not apply, such as a by-product which is not intended to be used by the producer or where there is a small, but limited market for a by-product which does not meet the requirements of Alternative A, a request may be filed for a determination by ERA under Alternative B. Under this methodology, a request would be filed using the certification procedure set forth in 10 CFR 501.7(a)(12)(ii). The certification must include the calculations made and the methodology used by the requester in arriving at the costs and revenues involved in assessing the commercial unmarketability of the fuel. Proposed 501.7(a)(12)(ii)(C) provides that ERA must respond to a request within 60 days of the date of acknowledgement by ERA of receipt of the request, or if ERA notifies the requester within this 60 day period that additional information is needed, within 60 days of the date of acknowledgement of receipt of the additional information. To insure that these requests are expeditiously handled, the proposed rule provides that the failure of ERA to act on the certification within the relevant time period will result in the automatic classification of the fuel as commercially unmarketable.

C. Exemptions (Part 503)

1. *Lack of alternate fuel supply/600 hour alternative exemption (§§ 503.21, 503.32).* DOE received several comments recommending increases in the allowed use of oil or natural gas under the temporary and permanent lack of alternate fuel supply exemptions for use of an MFBI no more that 600 full load equivalent hours on an annual basis. Under these alternative exemptions, no cost calculation need be submitted. Most comments recommended an allowable usage of 1500 full load equivalent hours on an annual basis.

The 600 hour usage limit was established when the discount rate for use in the cost calculation methodologies was specified to be 7.7% for use in analyses of MFBIs. Since that time, DOE has allowed petitioners to use that rate or the rate set forth in Appendix I. Based upon this regulatory revision, and in light of the comments received, DOE has reevaluated its present usage limit for this exemption, and has determined to propose raising the limit from 600 full load equivalent hours to 1500 full load equivalent hours on an annual basis.

2. *Inadequate capital exemption (§ 503.35).* The exemption for an inability to obtain adequate capital requires that a petitioner demonstrate that the capital needed to construct and operate an alternate fuel fired facility cannot reasonably be raised. In the case of a powerplant, the current rule provides that this inability must be due to specific restrictions constraining management's ability to raise the capital (such as covenants on existing bonds).

Several commenters noted that a utility's inability to raise capital may not be due to a specific restriction (*e.g.* if the capital could be raised, the bond covenants would not be violated), but may result from a utility's weak over-all financial condition.

DOE is proposing to revise the rule to indicate that where a utility cannot demonstrate *specific restrictions* constraining capital availability, it may present evidence to ERA that it cannot raise the requisite capital without a substantial dilution of shareholder equity or an unreasonably adverse effect on its credit rating.

III. Procedural Matters

A. Written Comments

Interested persons are invited to participate in this rulemaking by submitting data or comments with respect to the issues addressed in this NOPR. Comments should be identified on the outside envelope and on the documents submitted with the designation: "Powerplant and Industrial Fuel Use Act Docket No. ERA-R-81-12." Fifteen copies should be submitted. All comments received will be available for public insepction in the ERA Office of

Public Information, Federal Building, Room 7120, 12th & Pennsylvania Avenue, NW., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All comments received on or before January 6, 1982, will be considered.

If you wish to submit any information or data which you consider to be confidential you must comply with DOE's freedom of information regulations (10 CFR Part 1004). DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. Section 102 of the National Environmental Policy Act (NEPA)

DOE has determined that this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(c) of NEPA. Therefore, the preparation of an Environmental Impact Statement for this proposal is not required.

C. Regulatory Flexibility Act

DOE has determined that these proposals, if adopted, will not negatively impact firms that are "small entities" within the meaning of the Regulatory Flexibility Act. Therefore, DOE is not required to publish an initial regulatory flexibility analysis pursuant to Section 603 of that Act.

D. Executive Order No. 12291

DOE has initially determined that this proposed rulemaking does not constitute a "major rule" within the meaning of Executive Order. No. 12291. This notice of proposed rulemaking has been submitted to the Director of the Office of Management and Budget (OMB) for review under that Executive Order.

E. Paperwork Reduction Act of 1980

When finalized, these rules must be submitted to OMB for clearance under the provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511. Any data submitted in compliance with provisions of the final rule may require revision or additions as a result of OMB's action.

(Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101*et seq.*), Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620, 92 Stat. 3289 (42 U.S.C. 8301 *et seq.*); E.O. 12009, 42 FR 46267, September 15, 1977)

In consideration of the foregoing, Parts 500, 501 and 503, Subchapter E, "Alternate Fuels" of Chapter II, Title 10 of the Code of Federal Regulations, are proposed to be amended as set forth below.

Issued in Washington, D.C., on November 30, 1981.

James B. Edwards,

Secretary of Energy.

PART 500—DEFINITIONS

For the reasons set out in the Preamble, Part 500 of Chapter II, Title 10 or the *Code of Federal Regulations* is proposed to be amended as shown.

1. By revising the definition of "Alternate fuel" in § 500.2 to read as follows:

§ 500.2 General definitions.

* * * * *

"Alternate fuel" means electricity or any fuel, other than natural gas or petroleum. The term includes, but is not limited to:

(1) Coal;

(2) Solar energy;

(3) Petroleum coke; shale oil; uranium; biomass, tar sands, oil-impregnated diatomaceous earth; municipal, industrial, or agricultural wastes; wood; and renewable and geothermal energy sources (For purposes of this subparagraph (3), the term "industrial" does not include refineries.);

(4) Liquid, solid or gaseous waste by-products of refinery or industrial operations which are commercially unmarketable, either by reason or quality or quantity. (For purposes of this subparagraph (4), the term "waste by-product" is defined as an unavoidable by-product of the industrial or refinery operation.) A waste by-product of a refinery or industrial operation is commercially unmarketable if it meets the criteria listed in the definition of "commercial unmarketability," set forth below;

(5) Any fuel derived from and alternate fuel; and

(6) Waste gases from industrial operations. (For purposes of this subsection, the term "industrial" does not include refineries.)

* * * * *

2. By revising the definition of "commercial unmarketability" in § 500.2 to remove the phrase "when applied to a specific fuel which is burned by its producer."

3. By revising the definition of "natural gas" in § 500.2 by removing from subparagraph (3)(ii) thereof the words "and oil" in the first sentence, and the entirety of the second sentence.

4. By revising the definition of "reconstruction" in § 500.2 to read as follows:

* * * * *

"Reconstruction" means the following:

(1) Except as provided in subparagraph (2) of this definition, reconstruction shall be found to have taken place whenever the capital expenditures for refurbishment or modification of an electric powerplant or an MFBI, on a cumulative basis for the current calendar year and preceding two (2) calendar years are equal to or greater than fifty (50) percent of the capital costs of an equivalent replacement unit of the same capacity, capable of burning the same fuels.

(2) Notwithstanding subparagraph (1) of this definition, reconstruction shall not be found to have taken place whenever:

(i) The capital expenditures for refurbishment or modification of an electric powerplant or an MFBI, on a cumulative basis for the current calendar year and preceding two (2) calendar years, are no greater than eighty (80) percent of the capital costs of an equivalent replacement unit of the same capacity, capable of burning the same fuels; and

(A) The unit being refurbished or modified was destroyed, in whole or substantial part, in a plant accident; or

(B) The unit, as refurbished or modified, will not have a greater fuel consumption capability than the unit it replaces; or

(ii) Refurbishment or modification of the unit is undertaken solely for the purpose of increasing fuel burning efficiency of the unit, and will not result in

(A) Increased remaining useful life; and

(B) Increased total annual fuel consumption.

* * * * *

PART 501—ADMINISTRATIVE PROCEDURES AND SANCTIONS

For the reasons set out in the Preamble, Part 501 of Chapter II, Title 10 of the *Code of Federal Regulations* is proposed to be amended by revising § 501.7(a)(12) to read as follows:

§ 501.7 General filing requirements.

(a) * * *

(12) *Procedures for determinations of commercial unmarketability.* (i) The following procedure may be used to determine if a liquid, solid or gaseous waste by-product of a refinery or industrial operation and, in certain cases, natural gas, can automatically be considered a commercially unmarketable alternate fuel under 10 CFR § 500.2:

Alternative A

A fuel which is burned by its producer is commercially unmarketable—

(A) For a period, not to exceed one year, during which it is produced in quantities which are insufficient to permit a reasonable determination of its marketability; or

(B) If it meets the following requirements at 14.73 pounds per square inch and 60 degrees Fahrenheit prior to undergoing any treatment to upgrade:

(*1*) If gaseous, has an average chemical heat content of less than 600 Btu/cubic foot and has corrosive or suspended particle properties inferior to those of natural gas of pipeline quality;

(*2*) If liquid, has an average chemical heat content of less than 2.5 million Btu per barrel and has corrosive, suspended particle or dissolved particle properties inferior to those of any liquid fuel for which there is a local market; and

(*3*) If solid, has an average chemical heat content of less than 5,000 Btu per pound and corrosive or ash properties inferior to those of any fuel for which there is a local market.

If the above requirements are met, a firm may consider the waste by-product to be commercially unmarketable, and must simply notify ERA in writing, upon commencement of use of the fuel, that such determination has been made.

(ii) The following procedure must be used to request a commercial unmarketability determination by ERA if the requirements of Alternative A cannot be met:

Alternative B

(A) *Filing of request.* The owner or operator of a powerplant or installation may file a request for classification of a fuel as commercially unmarketable at the address provided in 10 CFR 501.11.

(B) *Contents of request.* A request for classification of a fuel as commercially unmarketable pursuant to 10 CFR 500.2 must include a duly executed certification containing the following:

(*1*) Name of requester;

(*2*) Identification and location of unit in which the fuel is proposed to be burned;

(*3*) The calculations made concerning the costs and revenues involved in assessing the commercial unmarketability of the fuel and the methodology used to make the calculations, including an explanation of the numbers used (see definition of "commercially unmarketable" in 10 CFR 500.2 for a discussion of the criteria for making these calculations); and

(*4*) The name, address, and telephone number of the person who can supply additional information.

(C) *Decision on request.* ERA will, upon receipt, acknowledge receipt of a request and will render a decision within 60 days of the date of the acknowledgement, or, if ERA notifies the requester within this 60 day period that additional information is needed, within 60 days of the date of acknowledgement of receipt of the additional information. The failure of ERA to act on the certification at the expiration of the relevant time period will result in the automatic classification of the fuel as commercially unmarketable.

* * * * *

PART 503—NEW FACILITIES

For the reasons set out in the Preamble, Part 503 of Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as shown.

§ 503.13 [Amended]

1. By amending § 503.13(b) by removing the phrase "lack of alternate fuel supply where an MFBI will not exceed 600 hours per year," and by adding in its place the phrase "lack of alternate fuel supply where an MFBI will not be operated in excess of 1500 full load equivalent hours per year."

2. By revising § 503.21(c) to read as follows:

§ 503.21 Lack of alternate fuel supply.

* * * * *

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 1500 full load equivalent hours on an annual basis, the petitioner may substitute, in lieu of the requirements in paragraph (b) of this section, a duly executed certification that the unit will be operated less than 1500 full load equivalent hours annually during the period of the exemption.

Note.—Under this paragraph, a petitioner may qualify for the certification alternative even if the installation is operated more than 1500 hours per year, so long as the installation does not burn more fuel than it would require at full load for 1500 hours.

* * * * *

3. By revising § 503.32(c) to read as follows:

§ 503.32 Lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

* * * * *

(c) *Certification alternative for installations.* If the MFBI for which this exemption is being requested will be operated less than 1500 full load equivalent hours on an annual basis, the petitioner may submit, in lieu of the requirements of paragraph (b) of this section, the following duly executed certifications:

(1) The unit will be operated less than 1500 full load equivalent hours annually;

(2) Use of mixtures is not feasible (see § 503.9 of these regulations); and

(3) Environmental certifications, as required under § 503.13(b) of these regulations.

Note.—Under this subsection, a petitioner may qualify for the certification alternative even if the installation is operated more than 1500 hours per year, so long as the installation does not burn more fuel than it would require at full load for 1500 hours.

* * * * *

4. By revising § 503.35(a)(2) to read as follows:

§ 503.35 Inability to obtain adequate capital.

(a) * * *

(2) In the case of powerplants, either this additional capital cannot be raised due to specific restrictions (*e.g.*, covenants on existing bonds) which constrain management's ability to raise debt or equity capital; or, it cannot be raised without a substantial dilution of shareholder equity or an unreasonably adverse effect on the utility's credit rating;

* * * * *

[FR Doc. 81-34776 Filed 12-4-81; 8:45 am]

BILLING CODE 6450-01-M

federal register

Monday
December 7, 1981

Part V

Department of Agriculture

Agricultural Marketing Service

Warehouse Regulations; Financial Statement Requirements; Proposed Rulemaking

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 102

Warehouse Regulations; Financial Statement Requirements; Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: A Grain Elevator Task Force was established to review circumstances which have led to an increasing number of warehouse bankruptcies. The task force reviewed current grain warehouse laws and regulations and recommended a number of changes to the regulations pertaining to grain warehousemen conducting a warehouse licensed, or for which application for a license has been made under provisions of the United States Warehouse Act (7 U.S.C. 268) and governing warehouse standards for approval issued by the Commodity Credit Corporation (CCC) in order to strengthen such standards and thus assist in the prevention of elevator bankruptcies.

In accordance with one recommendation of the task force, 7 CFR Part 102 is proposed to be amended so that such warehousemen will be required to provide the Secretary with an annual financial statement that has been audited by a certified public accountant in accordance with generally accepted auditing standards and such other interim financial statements or information as the Secretary deems necessary.

Interested persons are invited to submit written comments on the proposed change in regulations.

DATE: Written comments should be filed not later than December 31, 1981.

ADDRESS: Comments should be filed in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th & Independence Avenue SW., Washington, D.C., 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: Dr. Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202–447–3616).

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service (AMS), pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268, hereinafter the "Warehouse Act"), is amending the warehouse regulations for the storage of grain appearing in Part 102 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations (7 CFR Part 102).

This proposal has been reviewed under the USDA procedure established in accordance with Executive Order 12291 of February 17, 1981, and has been classified "nonmajor" as it does not meet the criteria contained therein for major regulatory actions. William T. Manley, Deputy Administrator for Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small business entities because (i) use of the services is voluntary; and (ii) further, the Secretary is required by statute to make the services available and to recover the costs of the services from the users of the services.

The U.S. Warehouse Act was passed by Congress in 1916. The Act provides for the licensing of such warehousemen as may apply to the Secretary of Agriculture, and (1) meet departmental standards, (2) agree to abide by the law and the regulations thereunder, and (3) who are, in his discretion, proper warehousemen within the intent of the law for the storage of agricultural products.

The primary objectives of the U.S. Warehouse Act are to: (1) Protect producers and others who store their property in public warehouses; (2) assure the integrity of warehouse receipts as documents of title to be used as collateral for loans, and to facilitate trading in interstate commerce of agricultural commodities; and (3) set and maintain a standard for sound warehouse operations.

A warehouse receipt is acceptable only when it has integrity. Integrity means that original depositor or a subsequent holder of a receipt must have reasonable assurance that the product covered by the warehouse receipt will be returned upon surrender of the receipt and a valid request for delivery. Failing to receive return of the product, the depositor or holder of the receipt must have the further assurance that the warehouseman is able to pay him for his breach of contract. Existing regulations deal adequately with the warehouseman's obligations and duties as a storer of grain.

Most, if not all, licensed warehousemen also operate a grain marketing business buying grain from producers through the same facilities used for the storage of grain.

The business of storing and marketing often becomes inseparable and likewise the funds available to the total business often cannot be segregated. These situations create continuous, dual and at times uncertain obligations.

Consequently, there are risks for producers who sell deposited grain as well as for producers who store such grain. It therefore becomes consistent with objectives of the Act to be able to determine from independent sources at periodic intervals that the warehouseman's financial condition meets net asset requirements of the regulations and the condition is such that financially the warehouseman is able to satisfy all obligations of deposit and operate with minimal risk to depositors. The focal point of administering the Act is the periodic unannounced examination made by the Department at licensed warehouses. The purpose of these examinations is to make certain that warehousemen are operating within the law and to reflect at that time the warehouseman's physical capability of meeting storage obligations.

The periodic audit and the periodic physical examination both by independent sources will complement but not totally replace one another. Some reduction in program costs can be effected through intelligent interpretation of the financial audit and scheduling of the physical examination. Agricultural Marketing Service (AMS) analysts will be provided with the information necessary to judge a warehouseman's economic performance on an annual basis. The CPA's audit report should also help the warehouseman to determine which segments of his operations are the most efficient and which operations are in need of improvement. In addition, the audit report could give an early signal of possible failures of the warehousing operation. The proposed action will further enable the administration of the Act to meet the objectives and purposes of Congress in passing this legislation enhancing the security offered by licensed warehousemen to depositors including producers.

William T. Manley, Deputy Administrator for Marketing Program Operations, has determined that an emergency situation exists which warrants publication of this proposed rule with less than a 60-day comment period. The Commodity Credit Corporation has proposed a similar change in its standards governing approval of warehouses to be used for the storage and handling of its owned grain or grain serving as collateral for

price support loans. The information collection requirement established by this regulation is subject to clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1980.

The regulations, therefore, are proposed to be amended as follows:

PART 102—GRAIN WAREHOUSES

1. Section 102.6 (7 CFR 102.6) is amended by adding a new paragraph (a) and redesignating existing paragraphs (a) through (d) to read (b) through (e).

§ 102.6 Financial requirements.

(a) Each warehouseman conducting a warehouse licensed, or for which application for a license has been made under the regulations in this part, shall provide the Secretary with an annual financial statement that has been audited by a certified public accountant in accordance with generally accepted auditing standards and such other interim financial statements or information as the Secretary deems necessary.

2. Section 102.6 (b) now (c) is amended to refer to in the final sentence (b) rather than (a).

3. Section 102.6 (c) now (d) is amended to refer to (b) and (c) rather than (a) and (b).

§ 102.14 [Amended]

4. Section 102.14 (a) is amended to refer to in the final sentence § 102.6 (b) rather than § 102.6 (a).

Done at Washington, D.C. December 1, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-34957 Filed 12-4-81; 8:45 am]

BILLING CODE 3410-02-M

federal register

Monday
December 7, 1981

Part VI

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program; Suspension of Effect of Self-bonding and Surface Protection Bonding Rules

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 801 and 806

Surface Coal Mining and Reclamation Operations Permanent Regulatory Program; Suspension of Effect of Self-bonding and Surface Protection Bonding Rules

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement is issuing a final rule suspending the effect of the self-bonding and surface protection bonding rules at 30 CFR 801 and 806. OSM is involved in litigation concerning the self-bonding, surface protection bonding rules and other rules published on August 6, 1980. *National Coal Association, American Mining Congress* v. *Andrus*, civ. No. 80–2530 and *Pennsylvania Coal Mining Association et al.* v. *Department of the Interior*, civ. No. 80–2544. Evaluation of that litigation coupled with comments received during the August 6 rulemaking led OSM to the preliminary conclusion that the existing September 9, 1981 proposed rulemaking mentioned in the supplementary information below.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT: Russell F. Price, Standards Development Branch, Office of Surface Mining, U.S. Department of the Interior, Telephone: (202) 343–2188.

SUPPLEMENTARY INFORMATION: On September 9, 1981, 46 FR 45082, the Office of Surface Mining Reclamation and Enforcement (OSM) issued proposed rules which would revise the entire bonding program, including self-bonding and bonding of surface protection measures contained in 30 CFR 801 and 806. OSM will address the entire self-bonding concept in review of comments received pursuant to that rulemaking. Self-bonding and surface protection bonding rules revising the original rules of March 13, 1979 (44 FR 15485) were previously published on August 6, 1980, at 45 FR 52306. At that time OSM acknowledged that difficulties existed with respect to the criteria used in accepting self-bonds. OSM is involved in litigation concerning the self-bonding, surface protection bonding rules and other rules published on August 6, 1980. *National Coal Association, American Mining Congress* v. *Andrus*, civ. No. 80–2530 and *Pennsylvania Coal Mining Association et al.* v. *Department of the Interior*, civ. No. 80–2544. Evaluation of that litigation coupled with comments received during the August 6 rulemaking led OSM to the preliminary conclusion that the existing self-bonding rules should be suspended pending the outcome of the above-mentioned September 9, 1981 proposed rulemaking.

OSM expects to receive resubmissions of several State programs next month. Suspension of the existing bonding rules which have been proposed for revision will allow States to forego the useless exercise of submitting programs which comply with a set of rules which OSM proposes to replace before the resubmission approval process is complete. Since the self-bonding program is discretionary with the regulatory authorities under the Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 *et seq.* SMCRA), States may still include a self-bonding program in their resubmission. Such a program must meet the minimum standards set by section 509(c) of SMCRA.

OSM recently proposed at 46 FR 52287 (October 26, 1981) to suspend that part of 30 CFR 801.16(a) which requires operators to bond subsidence control and surface protection measures. OSM believes that there is a need to require completion of surface measures to be taken to prevent subsidence, but no need to bond for these actions or those measures not disturbing the surface. Bonding is unnecessary because the work would not be required if operations were ceased under forfeiture. Furthermore, the surface measures are not part of the reclamation plan on which the bond amount is based and the work to be accomplished is contracted. Under the current rules, § 801.16(a), no underground shafts or tunnels can be extended until all surface measures described under 30 CFR 784.20(b) to prevent subsidence are completed or bonded in accordance with 30 CFR 800.11(b). The remaining provisions of § 801.16 do not impact on underground mining which does not disturb surface acreage as part of the mining operation.

The subsidence control provisions continue to be effective as part of the operations plan [subsidence control plan] subject to the regulatory program.

OSM is involved in litigation over the rules specified in this notice. The court has granted OSM numerous extensions of time from the necessity of filing its brief while OSM proceeded with the rulemaking which was published on September 9, 1981. The most recent extension was granted on October 16, 1981, to extend until the date of publication of the notice of proposed suspension of the rules in litigation or until October 26, 1981, whichever was first. The parties to the litigation agreed to mutually seek a further 30 day extension from the date of publication of that notice to allow time for OSM to consider comments received and to make a final decision on whether to suspend these rules. A further extension of seven days was received on November 25, 1981.

Discussion of Comments Received

801.16(a) A comment received with respect to suspension of Section 801.16(a) cited the action as illegal. The commenter believed that bonds should be required for subsidence control work in conjunction with underground mining. OSM does not believe that temporary suspension of the limited portion of this rule involved in this action is contrary to section 509 or 516(d) of the Act. This provision will be addressed further in the rulemaking (46 FR 52306, September 9, 1981) to clarify the bonding requirements regarding underground mining operations.

Two commenters objected to the 15 day public comment period. They felt that a 30-day comment period and a public hearing were required by § 501(b) of the Act and 43 CFR Part 14. The commenters also stated that the 15-day comment period was unrealistic and an attempt to avoid public comment on the proposed suspension. The Office acknowledges that the 15-day comment period provided on the proposed suspension notice is shorter than the period OSM normally provides and affirms its general policy of providing at least a 30-day comment period for all rulemakings. As stated in the notice of proposed suspension, OSM provided a shorter comment period in this instance because the Department of Justice was unable to obtain the consent of the plaintiffs in the litigation over these rules, to a further extension of time beyond 30 days. Without plaintiffs' agreement OSM is unlikely to be granted further extensions of the date on which it must file its brief due to the numerous prior extensions granted while the Office was developing the revised bonding rules published on September 9, 1981. In order to be able to make its decision on the proposed suspension within 30 days and to develop its position in the litigation, OSM felt 15 days was the maximum comment period possible. In addition, the decision on suspension must be made before the State program resubmissions are received so that States can know which bonding provisions must be included in their

programs. The majority of resubmissions are expected in December and a longer decision process might have vitiated the effect of the suspension for those States.

OSM does not believe the 15-day comment period was unrealistic nor was it attempting to avoid public comment. To the contrary, the comments from citizen and industry groups indicate that there was sufficient time for the public to evaluate the proposal and submit thoughtful comments.

Contrary to the commenter's assertion, this proposal was not governed by 43 CFR Part 14 as that rule was repealed on September 30, 1981, 46 FR 47748. Comments on that action are not properly directed to OSM. Nor does the Office believe that this suspension of rules is governed by the procedures of section 501(b) of SMCRA. That section provides that the Secretary shall promulgate regulations covering the permanent regulatory program within one year after enactment of the Act but not before holding at least one public hearing on the regulations and providing at least 30 days after publication of proposed regulations for public comment. The Office does not believe that this suspension of rules is covered by section 501(b) because it is not an action to promulgate regulations covering a permanent regulatory procedure under Title V of the Act. Rather it is a temporary suspension of such permanent program rules which will be in effect only until the rulemaking on bonding is completed. Because this action has no permanent effect on the permanent program regulations the Office is of the view that the public hearing and 30-day comment period provisions of section 501(b) are not applicable.

The public was given ample opportunity to comment on the substantive issues of bonding at the public hearing held on September 24, 1981, and during the 30-day comment period for the bonding rules proposed on September 9, 1981. Those comments are currently being considered.

One commenter asserted that this suspension is a major Federal action significantly affecting the quality of the human environment for which an environmental impact statement must be prepared. In addition, the commenter stated that OSM had not prepared an environmental assessment in violation of Departmental Manual requirements. To the contrary, OSM prepared an environmental assessment on October 9, 1981, which concluded that this suspension would not have a significant effect on the quality of the human environment.

The commenter further objected to suspension of detail criteria in the self-bonding rules because State programs would be approved without the details found in the paragraphs to be suspended as guidance by which to evaluate a State's self-bonding submission. OSM, in the rules proposed on September 9, 1981 (46 FR 45082) would require that State self-bonding submissions provide criteria which provide equivalent guarantees to other bonding methods, and set forth procedures for evaluating self-bonding candidates. Such a provision would allow State implementation of the Act, which sketches out the basic parameters of self-bonding. Comments suggesting changes in the proposed rules are being considered.

On commenter supported OSM's action and argued that the suspension should be made effective immediately to avoid subjecting the industry to rules challenged as inconsistent with the Act and to allow States to develop resubmissions that do not include provisions that will be changed immediately. OSM accepts the latter part of this comment but rejects the concept that it must suspend any rule which has been challenged in court. In this instance OSM has decided to suspend the rules because it does not believe they adequately implement the bonding provisions of the Act.

Each State submission will be judged, until a final rule is issued, based on the procedures set forth by a State in evaluating financial histories, continuous operation, in qualifying self-bond applicants, and analyzing the financial responsibility and capability of the operator to complete the reclamation required under the mandates of the Act.

It should be noted that each State program is subject to public comment and participation, and it is considered appropriate to evaluate a State's self-bonding options and details at that time.

The Office has determined that these rules should be suspended because they do not allow for effective implementation of a self-bonding program in accordance with section 509(c) of the Act. In addition, the rules are subject to separate rulemaking and an adequate opportunity for public comments has been afforded to resolve problem issues.

Determinations Under Executive Order 12291, the Regulatory Flexibility Act and the National Environmental Policy Act

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291. The economic impact of the rules is expected to be indirectly beneficial to coal operations and consumers, because of increased availability of bonds and flexibility to regulatory authorities in implementing the rules.

The Department of the Interior has determined that this action does not constitute a major Federal action having a significant effect on the quality of the human environment and an environmental impact statement will not be prepared.

The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under The Regulatory Flexibility Act, Public Law 96-354. The proposed rules under separate rulemaking are expected to reduce the regulatory burden on small coal operators by alleviating previous constraints on the surety market.

Under the authority of 30, U.S.C. 1201, *et seq.*, and Executive Order 12291 (46 FR 13192), Title 30 Subchapter J of the Code of Federal Regulations is amended as set forth below.

The Department of the Interior finds in accordance with 5 U.S.C. 553(d)(3) that good cause exists to make this final rule effective upon publication because some State programs will be submitted within the next few weeks and a delay in the effective date would vitiate the purpose of the suspension. If these rules were allowed to remain in effect for 30 days longer, few, if any, States would be able to benefit from the opportunity of avoiding the useless submission of bonding rules that will be revised before their programs are approved. Illinois, Kentucky, Ohio, and Tennessee are all expected to resubmit their programs before the end of December which is when the 30-day period following publication of this rule would end. This would mean only Pennsylvania could take advantage of the suspension.

Dated: December 2, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

30 CFR Parts 801 and 806 are amended as follows:

PART 801—BONDING REQUIREMENTS FOR UNDERGROUND COAL MINES, COAL-PROCESSING PLANTS, ASSOCIATED STRUCTURES, AND OTHER COAL-RELATED LONG-TERM FACILITIES AND STRUCTURES

§ 801.16 [Suspended in part]

1. 30 CFR 801.16(a) is suspended.

PART 806—FORM, CONDITIONS, AND TERMS OF PERFORMANCE BONDS AND LIABILITY INSURANCE

§ 806.14 [Suspended in part]

2. 30 CFR 806.14 (a)(2) through (a)(4) are suspended.

3. In 30 CFR 806.14(a)(5), the words "for 10 years" and the remainder of paragraph (a)(5) beginning with the second sentence are suspended.

4. 30 CFR 806.14(a)(6) is suspended.

[FR Doc. 81-35002 Filed 12-4-81; 8:45 am]

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federal register

Monday
December 7, 1981

Part VII

Department of the Treasury

Office of Foreign Assets Control

Iranian Assets Control Regulations: Registration of Bank Claims Against the Escrow Account at the Bank of England; Preclusion of Unregistered Claims

Federal Register

Monday
December 7, 1987

Part VII

Department of the Treasury

Office of Foreign Assets Control

Iranian Assets Control Regulations;
Implementation of Iran-United States
Claims Tribunal Decisions and Technical
Amendments

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations: Registration of Bank Claims Against the Escrow Account at the Bank of England; Preclusion of Unregistered Claims

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purpose of this amendment is to require U.S. banking institutions to register in writing with the Office of Foreign Assets Control, on or before December 16, 1981, if they have, and intend to assert, claims against the account established by the deposit of $1.418 billion in escrow at the Bank of England pursuant to Paragraph 2(B) of the January 19, 1981, Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with Respect to the Declaration of the Government of the Democratic and Popular Republic of Algeria ("the Undertakings"). Banking institutions which do not register pursuant to this section are precluded from asserting any claim against the Escrow Account described above.

EFFECTIVE DATE: December 4, 1981.

FOR FURTHER INFORMATION CONTACT: Loren Dohm, Chief, Census Unit, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220, Tel. (202) 376-0968.

SUPPLEMENTARY INFORMATION: The Government of the Islamic Republic of Iran has requested that the Government of the United States provide it with the names of U.S. banking institutions that intend to assert claims against the account established by the deposit of $1.418 billion in escrow ("the Escrow Account," also known as "Dollar Account No. 2") at the Bank of England pursuant to Paragraph 2(B) of the Undertakings. The United States has agreed to this request.

Paragraph 2(B) of the Undertakings provides that funds retained in the Escrow Account will be used "for the purpose of paying the unpaid principal or the interest owing, if any, on the loans and credits referred to in Paragraph (A) [syndicated loans] after application of the $3.667 billion and on all other indebtedness held by United States banking institutions of, or guaranteed by, the Government of Iran, its agencies, instrumentalities or controlled entities not previously paid and for the purpose of paying disputed amounts of deposits, assets, and interests, if any, owing on Iranian deposits in U.S. banking institutions."

In complying with this registration requirement, a banking institution is asked to submit only the name of the institution, its address, and the name, title, and telephone number of an appropriate contact person. There is no requirement that additional details as to the amount or basis of the claim be provided.

Since the Regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. Section 553, requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date, are inapplicable.

Similarly, because the Regulations are issued with respect to a foreign affairs function of the United States, they are not subject to Executive Order 12291 of February 17, 1981, dealing with federal regulations.

This registration requirement is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. section 3501 *et seq.*

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

31 CFR Part 535 is amended by adding § 535.621 to read as follows:

§ 535.621 Registration of bank claims against the escrow account at the Bank of England

(a) *Registration requirements.* Any U.S. banking institution that has, and intends to assert, a claim against the account established by the deposit of $1.418 billion in escrow ("the Escrow Account," also known as "Dollar Account No. 2") at the Bank of England pursuant to Paragraph 2(B) of the Undertakings of the Government of the United States of America and the Government of the Islamic Republic of Iran with Respect to the Declaration of the Government of the Democratic and Popular Republic of Algeria, is required to register with the Office of Foreign Assets Control, in writing, on or before December 16, 1981.

(b) *Contents of registration notice.* The required registration shall refer to this section of the Regulations and contain the following:

(1) Name and address of the banking institution; and

(2) Name, title, and telephone number of person who may be contacted about this registration.

(c) *Filing.* One copy of this registration notice, which shall be in the form of a letter or a telex (Telex No. 710-822-9201), should be sent to Unit 621, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220. Telexed notices should also include the telephone number (376-0968) of the Census Unit. A copy of the notice should be retained for the submitter's records.

(d) *Failure to register.* Any banking institution which does not submit a registration notice pursuant to this section shall be precluded from asserting any claim against the Escrow Account.

(Sec. 201-207, 91 Stat. 1626, 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 65729; E.O. No. 12205, 45 FR 24099; E.O. No. 12211, 45 FR 26605; E.O. No. 12276, 46 FR 7913; E.O. No. 12279, 46 FR 7919; E.O. No. 12280, 46 FR 7921; E.O. No. 12281, 46 FR 7923; E.O. No. 12282, 46 FR 7925; and E.O. No. 12294, 46 FR 14111)

Dated: December 4, 1981.

Dennis M. O'Connell,

Director.

Approved:

John M. Walker, Jr.,

Assistant Secretary.

[FR Doc. 81-35157 Filed 12-4-81; 12:05 pm]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing December 3, 1981.

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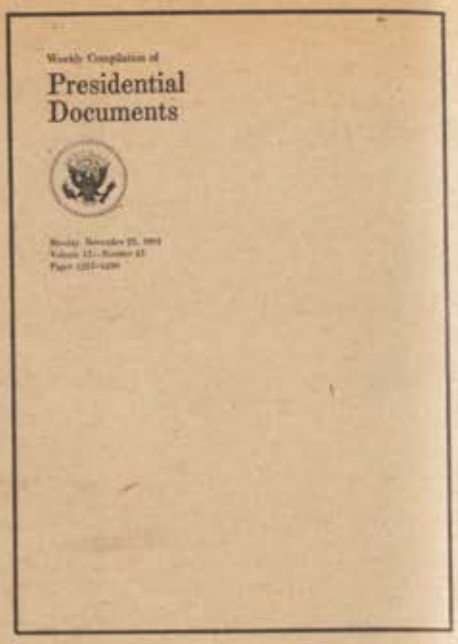

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